PARLIAMENTARY DEBATES

(HANSARD)

SIXTH SERIES—VOLUME 471 (Part 1)

HOUSE OF COMMONS

OFFICIAL REPORT

THIRD SESSION OF THE FIFTY-FOURTH PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FIFTY-SIXTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 2007–2008

COMPRISING PERIOD
28 January 2008—7 February 2008

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OFFICIAL REPORT

IN THE THIRD SESSION OF THE FIFTY-FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 11 MAY 2005]

FIFTY-SIXTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES **VOLUME 471**

FIFTH VOLUME OF SESSION 2007-2008

House of Commons

Monday 28 January 2008

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

CULTURE, MEDIA AND SPORT

The Secretary of State was asked—

Local Film Festivals

1. **Janet Anderson** (Rossendale and Darwen) (Lab): What funding is available for local film festivals in 2007-08. [182022]

The Secretary of State for Culture, Media and Sport (Andy Burnham): Film festivals are an important part of building an audience for film throughout the UK, and more than £1.6 million has already been spent on local film festivals in 2007-08. In addition, the former Secretary of State for Culture, Media and Sport, my right hon. Friend the Member for Stalybridge and Hyde (James Purnell), announced in November that the UK Film Council would make a further £4·5 million available for national film festivals and regional festivals with national significance.

Janet Anderson: I thank my right hon. Friend for that answer, and I congratulate him on taking up his new post: we wish him well. I urge him to look at the website www.bacupfilmfestival.co.uk, to see for himself the success of the first Bacup film festival of last year. We want to build on that and expand the festival this year, in order to enhance the cultural life of the Rossendale valley. May I urge him to look at the funding for such small film festivals? I hope that he will be able to assist us.

Andy Burnham: I thank my hon. Friend for her question. It seems like only yesterday that we were discussing film policy together in the Department for Culture, Media and Sport, and I knew my luck was in when I saw that she had the first question today, because I could not think of a friendlier face to give me a gentler introduction to my new post.

I saw first-hand my hon. Friend's work in setting up the Film Council, and she should take great pride in the British film industry's success since the time she was a DCMS Minister. She is now doing the same for Bacup. I wish her well in that role, and I will certainly want to visit – I have been told that my new job is good for getting the hottest tickets, and I cannot think of better tickets than a couple on the front row at the Bacup film festival this year.

Mr. Adrian Sanders (Torbay) (LD): I also welcome the right hon. Gentleman to his new post. There are plans for a film festival in my constituency, and I hope that there will be enough funding to go round. May I emphasise that it is essential that funding in the creative industries, particularly film, goes to the regions, especially as ITV is currently pulling back from regional news and investment? Therefore, any extra money that goes into film and television in the regions is important.

Andy Burnham: I entirely agree. As I mentioned in my previous answer, we have made money available over three years to support film festivals in all parts of the country. The hon. Gentleman will know that last year's summer of British film, where funding was made available to support the use of digital screens, was another great success. In a changing broadcasting world, where there is lots of global content, regional and local programming is increasingly important to people in the UK.

Sport (Girls)

2. **Lorely Burt** (Solihull) (LD): What progress has been made on increasing the number of girls participating in sport. [182023]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): The annual school sport survey shows that, although the disparity in participation in sport between girls' schools and boys' schools is narrowing, there remains a need to reduce the gap further. Key to achieving that is to provide further sporting opportunities that respond better to girls' needs and abilities. That is why we are investing an additional £100 million to offer physical education and sport to all pupils aged from five to 16, and three hours for those aged 16 to 19.

Lorely Burt: I welcome the progress the Minister is making in this area, but does he not share my concern that 1 million children still do not participate in two hours of sport a week? The Government's own most recent figures show that they are failing to meet targets to increase the number of women participating in sport. Will the Minister explain what steps the Government are taking to ensure that activities that young girls want to participate in, such as dance, where demand outstrips supply—

Mr. Speaker: Order.

Mr. Sutcliffe: I cannot see how 86 per cent. can be a failure, so we are clearly doing very well on school participation, but we want to do more, especially with girls. We must be careful that girls are not stereotyped by participating in certain sports: instead, we have to broaden the offer. We are doing that by, for instance, working with the Youth Sport Trust; and looking at whether we can introduce dance and creativity. I wonder whether the hon. Lady saw the news today that Kelly Holmes is looking at steps such as the wearing of loose-fitting clothes as opposed to tight PE skirts, to make people feel better about themselves and get more involved in sport.

Barbara Keeley (Worsley) (Lab): I join other Members in welcoming my right hon. Friend the Secretary of State to his new role; he is a great choice for the job. On the issue of girls' and women's participation in sport, it is understood that there is a bias in national funding, from the top to the bottom, in favour of sports played by men and boys, and that needs to be looked into. Members of the national women's football team do not even receive salaries; they have to do other jobs. That is not an encouragement to girls. Will the new Secretary of State make it a priority to address that imbalance in funding from the top right down to the grass roots, which are so important?

Mr. Sutcliffe: This is an important point. We have been trying to ensure that the fastest increase is among girls playing football, and to ensure, through the Football Association, that we have an elite league and investment in women's football. As I said earlier, through the Women's Sport and Fitness Foundation, we are trying to ensure that we stop any imbalance and promote opportunities for girls and women. A dance review is taking place, so the future looks good, but we must ensure that we get to those hard-to-reach groups.

Mr. Humfrey Malins (Woking) (Con): Will the Minister agree to meet his Home Office colleagues to discuss the need to increase participation in sport of girls and boys in our young offender prison estate, where the provision of sport for young people is still far too low?

Mr. Sutcliffe: I heartily agree, and I am grateful to the hon. Gentleman for raising this issue. He will know that one of my previous roles was in the Home Office, dealing with young offenders. The busiest place in a young offender institution—and, indeed, a prison—is the gym, and we must try to channel that activity into sport. I believe that there is a great role for sport to play in helping support offenders and in getting them away from offending.

Chris Bryant (Rhondda) (Lab): There is only one sport in which girls and boys participate equally in England and Wales—swimming. However, Paris has more 50 m swimming pools than England and Wales put together. That is partly because it is very expensive for local authorities to build and maintain swimming pools. Will the Government consider building more 50 m pools and making sure that funding comes from central Government, rather than local government?

Mr. Sutcliffe: I think that my hon. Friend has been speaking to the hon. Member for Shipley (Philip Davies) about 50 m pools. We clearly need to see investment in sports infrastructure, and we are proud of our record over the past 10 years. It is important that local authorities play their part. We want them to have facility strategies, so that they can work out what is required in their areas. We hope that the sports partnerships can help them to build more pools, if that is what is required.

Hugh Robertson (Faversham and Mid-Kent) (Con): May I start by welcoming the new Secretary of State to his post? The two greatest barriers to increasing female participation in sport are a reluctance among girls to take part in the conventional school sport offer, and an appalling post-school drop-out rate. Given the Government's reorganisation of Sport England, will the Minister be absolutely clear about whether the responsibility for increasing the number of girls doing dance, yoga and the like lies with Sport England, or has been transferred to the Department of Health?

Mr. Sutcliffe: Increasing participation is a target across government, but what is important is that we make sure that all Government Departments can contribute. On participation, we are working very closely with the Department for Children, Schools and Families and with the Department of Health to make sure that there are no gaps for people to fall through. However, the question of where the responsibility will lie depends on the outcome of the Sport England review, which we hope will take place toward the end of February. The review will doubtless make sure that we do not let girls and hard-to-target groups fall through such gaps.

Commonwealth Games (Glasgow)

3. **Ann McKechin** (Glasgow, North) (Lab): What progress has been made in his Department's work with the organising company and the Scottish Executive on providing support for the 2014 Commonwealth games in Glasgow. [182024]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): We are committed to working with the organising company and all the key partners to ensure a successful Commonwealth games in Glasgow that can be enjoyed by the whole of the UK.

Ann McKechin: I thank my hon. Friend for that answer and I hope that he will take the opportunity to visit Glasgow in the near future, and to see the benefits of the new facility provided by Glasgow city council. However, does he agree that the somewhat churlish attitude adopted by the nationalists in opposing the Olympics is counter-productive? The interest in sport that will be generated by the Olympics, and the knowledge and experience that we will gain from it, will be of direct benefit to Glasgow and to the games.

Mr. Sutcliffe: I am very grateful to my hon. Friend for her comments. I note that not many Scottish Nationalists are in their seats this afternoon to talk about this important sporting issue. As the UK Minister with responsibility for sport, I am concerned that we have the unified voice that we need in promoting sport. The Commonwealth games will benefit the whole of the UK, and UK Sport contributes to the success of athletes, particularly Scottish athletes. We must make sure that there is no narrow nationalist line affecting sport's ability to unite all our nations.

Mr. Mark Field (Cities of London and Westminster) (Con): As a London Member, may I welcome Glasgow's getting the Commonwealth games, which is every bit as much a national games as the Olympics in 2012? However, what plans are afoot to ensure that there is a specific national lottery game for the Glasgow Commonwealth games before 2012, as well as in the two-year period up to Commonwealth games?

Mr. Sutcliffe: The commissioning of new games is a matter for the National Lottery Commission. If such a game is needed, I am sure that discussions will be held about that. Clearly, we will want to work with the organising company when it is set up—it is in its early stages—and these are the sorts of issues that we will discuss.

Ian Lucas (Wrexham) (Lab): Does my hon. Friend agree that the focus on the 2012 Olympics means there is a challenge in promoting the 2014 Glasgow games throughout the UK? Will he hold early discussions with the Welsh Assembly Government to promote across Wales the excellent prospect of a Commonwealth games in Glasgow?

Mr. Sutcliffe: Again, I would be happy to do that. I congratulate my hon. Friend on his work on all things sporting, not least his prowess on the football pitch for the parliamentary football team. He makes an important point. I shall have regular meetings with the Welsh sports Minister and the Scottish Executive sports Minister to ensure that we co-ordinate our response to the benefit of both the Olympic and Commonwealth games.

Michael Fabricant (Lichfield) (Con): Members on both sides of the House have rightly emphasised the importance of the legacy of the Olympic games. Will there be a legacy of the Commonwealth games? What will Glaswegians benefit from after those excellent games in 2014 have ended?

Mr. Sutcliffe: I hope that Glaswegians benefit from the inspiration of sport—it can help people's health and education. We are looking forward to a decade of sport. This is not just about the London Olympics in 2012 and the Commonwealth games in 2014, because from next year a major sporting event will be held in the UK every year. I hope that we can unite to ensure that all our different spheres benefit from making sport successful.

Portable Antiquities Scheme

5. **Tim Loughton** (East Worthing and Shoreham) (Con): If he will make a statement on the future funding and management of the portable antiquities scheme. [182026]

The Minister of State, Department for Culture, Media and Sport (Margaret Hodge): The portable antiquities scheme is funded by the Museums, Libraries and Archives Council. In recognition of the scheme's importance, the MLA intends to maintain current funding for the next financial year while it undertakes a review, with the British Council and other stakeholders.

Tim Loughton: I know that the Minister is aware of the excellent work of the portable antiquities scheme—it has recorded more than 314,000 finds on its database and its website received 82 million hits last year. It is probably one of the few successful Government databases to date. She will also be aware of the concerns expressed in my early-day motion, which has been signed by 161 Members, from all parties. Does she realise that the MLA's proposal to freeze the funding will result in the loss of five front-line, important jobs? Is it not time to transfer the direct responsibility for the PAS to the British Museum, which has been running the scheme successfully and is best placed to promote and expand it in the best interests of promoting culture in this country? The British Museum has had such success in promoting culture through the PAS.

Margaret Hodge: First, I agree with the hon. Gentleman's remarks about the success of the scheme—we all think it is an incredibly successful scheme. Of course, it is another mark-up for a Labour Government, because we introduced it in 1997. Secondly, rumours abound about a loss of staff, but that has not been approved by anybody and is a matter for the scheme itself. It has received not only a bit of inflationary funding from the MLA, but extra funding from the British Museum, so I am unsure why those running the scheme feel the need to make a cut.

In a tight fiscal environment, we want to see how we can best maintain and grow the scheme and where the best synergies lie. That could be with the British Museum, through the renaissance in the regions programme or by the scheme's remaining in the MLA. Those are the options that will be examined by the British Museum and all other stakeholders during the review.

David Taylor (North-West Leicestershire) (Lab/Co-op): The House will be familiar with the reign of the late third century Roman emperor of Britain, Carausius, who was overthrown in a coup d'état by his finance

Minister—no change there, then. Two very valuable golden coins from his reign were recently unearthed by an east midlands farmer and they have joined the 330,000 discoveries in the portable antiquities scheme collection. Will the Minister reassure the House that incentives will be given for future finds of that kind to go to the PAS, because otherwise for lack of finance such finds will not be interpreted and the British public will not be able to identify with their past of two millenniums ago?

Margaret Hodge: I would love to see the coins to which my hon. Friend refers. I have been privileged to see a number of the finds for which the scheme has been responsible. We know how successful the scheme has been, because in 2006, the last year for which figures are available, 97 per cent. of the finds by members of the public came through funds liaison officers, who work on that scheme.

The scheme is in a good place. Confirmation of the continuation of the MLA's funding of the scheme, at a time when its own funding has been quite severely constrained, demonstrates the general regard in which the scheme is held. I have no doubt that all those working on the review will try to ensure that the scheme is maintained over time.

Robert Key (Salisbury) (Con): I encourage the Minister, in her constant battle with the Treasury, to ensure that the scheme is expanded rather than frozen. It is one of the great success stories in the world of archaeology and my county archaeologist told me only this morning that in Wiltshire alone—which has the world heritage site of Stonehenge and Avebury—more than 20 Roman sites a year are being identified. Relations with metal detectorists, which have been bad for years, are suddenly coming good, and that is to the benefit of the whole of archaeology.

Margaret Hodge: I assure the hon. Gentleman that we have very good relationships with the Treasury, not least because we have an ex-Chief Secretary as our Secretary of State. We achieved a good settlement in tight fiscal circumstances for the whole of the DCMS budget. I have no doubt that the scheme will continue in good health, but a review is sensible, to discover whether any good synergies will emerge from relocation. That could save money at the back end so that more can be spent on front-line services.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): When something is working, is it not a good idea to leave it alone? Could the Secretary of State not be persuaded to understand that before this scheme was working efficiently, many archaeological finds were lost to the United Kingdom and even to museums in general? Would it not be more sensible simply to accept that far from putting the scheme into the freezer while we consider whether it is successful, we should give it more money and encouragement, especially as—for once—we have managed to get something working efficiently?

Margaret Hodge: I have a great regard for my hon. Friend, but I do not agree that the best way to protect and promote good schemes is to leave them untouched. There is always room to see whether we can improve the effectiveness of the scheme or find efficiencies. The context in which we run schemes can change, and my hon. Friend will be aware, as I am, of the current fiscal constraints. We have to ensure that we get best value for every £1 we spend.

Mr. Edward Vaizey (Wantage) (Con): As we are discussing archaeology, I remind the Minister that the scheme was started in 1996 by the Conservative Government. How can she describe as a good settlement a 25 per cent. cut in the MLA's funding, a £3 million cut in its budget and the loss of five posts from a scheme that she herself has said is incredibly successful?

Margaret Hodge: The hon. Gentleman is being selective in his use of statistics. The MLA's budget has not been cut: it has risen with inflation. However, we have chosen to prioritise within its budget the funding for the renaissance programme, which will ensure that we can conserve, and build on, the great advances that we have made in our regional museums. That is important for all sorts of reasons, not just because we want to conserve those very good collections. Regional museums can provide the first experience of museum visiting for those who cannot travel to the national museums. If children go to museums, they are much more likely to go as adults, so I do not apologise for making that a priority.

Within the remaining funding that is available to the MLA, we have to look for financial efficiencies, but I repeat that this particular scheme has not been cut. The cut of five posts is not justified in relation to the budget figures, although there may be management reasons for it—I do not know. I applaud the MLA, because all hon. Members on both sides of the House agree that it is a good scheme that should continue. However, it should still be reviewed, because that is the responsible thing to do.

National Museums (Children)

6. **Kelvin Hopkins** (Luton, North) (Lab): How many children visited national museums in 2006-07. [182027]

The Minister of State, Department for Culture, Media and Sport (Margaret Hodge): Some 8.4 million children under 16 visited national museums in 2006-07. That represents a 79 per cent. increase in child visits since the introduction of free admission for children in April 1999.

Kelvin Hopkins: I thank my right hon. Friend for her answer. She will know that the renaissance in the regions programme introduced by the Government has been of tremendous benefit to local museums. As a member of Friends of Luton Museums, I know that many more young children have been to our museums as a result of the increased funding. What more will she do to help even more children to go to national museums, especially children who live long distances away?

Margaret Hodge: I acknowledge the work that my hon. Friend has done in his constituency. There are two museums in Luton: the Stockwood Discovery Centre, where we are investing £6 million, and the Wardown Park museum, which is about to receive an excellent touring exhibition on ancient Greece from the British Museum. [Hon. Members: "A Tory exhibition?"] A touring exhibition. It is due to open on 3 March.

What we can do consists partly of what we have already done, which Opposition Members seem to think is not a good idea—ensuring that the renaissance in the regions programme is protected and expanded a little bit in the current comprehensive spending review period. The other thing that we can do involves a programme similar to the very successful sports offer in school, which we introduced, which gives children an entitlement to two hours of sport a week rising to five hours. We are working on introducing a cultural offer giving children two hours a week rising to five hours of experiencing and participating in culture. Part of that must involve going to museums. If people go to museums as children, they are far more likely to go as adults.

Dr. Julian Lewis (New Forest, East) (Con): Yesterday, I had the privilege of representing the leader of my party in Liverpool at the deeply moving holocaust memorial event. It struck me how difficult it is to convey a sensitive subject such as wartime atrocities to all age ranges. Will the Minister of State join me in expressing admiration for how the Imperial War museum and the Royal Air Force museum, to take but two examples, manage to cover the whole spectrum, supplying information to children at one end and those undertaking the deepest academic research at the other?

Margaret Hodge: It is wonderful to find unity across the House. I concur completely with everything that the hon. Gentleman said. Work is done on that subject by a range of organisations, including our museums, as well as the Holocaust Memorial Day Trust, which does an enormous amount of important work, particularly in schools, to bring to life for this generation the atrocities of past generations. It is hugely important work, and we need to continue it in future generations.

Andrew Miller (Ellesmere Port and Neston) (Lab): My right hon. Friend will have heard the comments of the previous Secretary of State, my right hon. Friend the Member for Stalybridge and Hyde (James Purnell), when I raised with him the problems that have occurred as a result of the wonderful success of the free entry programme. The programme has caused problems for museums such as the National Waterways museum in my constituency. He made a very positive statement in relation to the work of the Museums, Libraries and Archives Council. Can the Minister of State give us a progress report and tell us when we will see some positive evidence of delivery to help my museum?

Margaret Hodge: I am aware of the problems relating to the National Waterways museum, and I know that my right hon. Friend the previous Secretary of State met representatives from the museum early in his tenure to discuss them. The truth is that it will be extremely difficult for us, given the budget constraints, to introduce new museums into the national family eligible for free admission. I am happy to meet my hon. Friend and any others he wants to bring along to discuss alternative funding sources to ensure the continuation of that valuable museum resource in his constituency.

Arts (North-East)

7. **Dr. Ashok Kumar** (Middlesbrough, South and East Cleveland) (Lab): If he will make a statement on Government support for the arts in the north-east. [182028]

The Secretary of State for Culture, Media and Sport (Andy Burnham): Arts Council England is responsible for Government support for the arts. Its budget for the north-east is £ 13.5 million this year.

Dr. Kumar: May I congratulate my right hon. Friend on his appointment, and wish him well for many years to come? The Middlesbrough Institute of Modern Art is very popular, thanks to financial support from the Government and Middlesbrough council: the funding that has been provided has gone down very well. So far this year, 150,000 people have visited the art gallery. May I invite my right hon. Friend to visit the gallery and see for himself the great success that the Labour Government have created in Middlesbrough?

Andy Burnham: I am grateful to my hon. Friend, both for his question and for his kind invitation. Indeed, I will take him up on it, and go to Middlesbrough at the earliest opportunity. In towns in both the north-east and the north-west, we see the crucial role that arts and culture can play in leading regeneration. I saw it myself in Liverpool on Saturday, where the new Museum of Liverpool is changing the shape of the Liverpool waterfront. He is absolutely right to say that arts and culture can be the centrepiece of successful regeneration programmes, and I look forward to seeing what is happening in his own area of Middlesbrough.

Mr. John Whittingdale (Maldon and East Chelmsford) (Con): Notwithstanding the Secretary of State's comments, is he aware of the serious concerns expressed by many arts organisations, including the Compass theatre in Sheffield, that decisions by the Arts Council are dictated more by questions of social engineering than of artistic merit? Will he undertake an urgent review of the guidelines under which the Arts Council operates?

Andy Burnham: May I tell the Chairman of the Select Committee on Culture, Media and Sport that it is a long-standing principle that the Arts Council should operate at arm's length from the Department and from Government generally? It would be quite inappropriate for me to breach that principle so soon into my job. In a former role, I made it clear that all public sector bodies should be subject to challenge and that money should be moved around the system to fund greater excellence. I support the Arts Council in what it is doing to ensure that that goal is achieved.

Mr. Kevan Jones (North Durham) (Lab): May I, too, congratulate my right hon. Friend on his appointment? The last time the Lindisfarne Gospels visited the north-east at the Laing art gallery in Newcastle, record numbers of visitors came to see them. Would he agree to meet a delegation of people who are campaigning for a return visit of the gospels to the north-east, particularly in light of the exposé in *The Journal* in Newcastle of the concerted campaign by the metropolitan cultural snobs on the board of the British Library, who have worked hard to try to prevent them from visiting the region again?

Andy Burnham: I am grateful for that question, but I will not pass comment—*[Interruption.]* I hesitate to agree with my hon. Friend, as that would be a sure way to the exit door. However, I would, of course, be happy to meet him and a delegation from the north-east.

Philip Davies (Shipley) (Con): Further to the question from my hon. Friend the Member for Maldon and East Chelmsford (Mr. Whittingdale), has the Secretary of State in the short time in which he has been in post, had an opportunity to see the grant application form from the Arts Council, which asks people who have applied to funding to give the number of members of their management committee who are bisexual, gay, lesbian or heterosexual? Will the Secretary of State explain why on earth funding should be based on people's sexual orientation, and is funding for the arts in the north-east really dependent on how many gays and lesbians happen to apply for it?

Andy Burnham: I am dismayed by the tone of the hon. Gentleman's question. I know that he is following the tone set by the Leader of the Opposition, who complained that the Arts Council was giving too many grants to "one-legged Lithuanian lesbians". That is wrong on two counts: it is not just offensive but it breaches the Arts Council's arm's length principle. It is important to point out that the excellent McMaster report, published just a few weeks ago, says very clearly that we should move from measurement to judgment: we should reduce the targets for arts organisations, fund excellence, and give those organisations the freedom to put on the very best possible work for as many people as possible. I entirely endorse that principle, and I do not believe that politicians in the House should meddle in the Arts Council's decisions.

Participation in Sport

8. **Mr. Andrew Mackay** (Bracknell) (Con): What recent estimate he has made of the level of participation in sport in the UK; and if he will make a statement. [182029]

The Secretary of State for Culture, Media and Sport (Andy Burnham): The 2006-07 school sport survey showed that 86 per cent. of pupils were doing at least two hours of high quality physical education and school sport a week, exceeding the 85 per cent. target.

Mr. Mackay: Hopefully the new Secretary of State believes that sports clubs will play a key role in increasing participation in sport across the country. If so, what does he make of the dreadful figures showing that so few people are members of sports clubs in our country compared with our European neighbours? Could those figures have something to do with this Government having not given sufficient lottery money to sports clubs and having deprived them of money that should have gone to them?

Andy Burnham: I agree with the right hon. Gentleman that sports clubs play a hugely important role in encouraging young people and others to take up sport. My constituency has some of the best amateur rugby league clubs in the country, and the Government have supported them through initiatives such as the community club development fund, which has got money through governing bodies straight to the clubs. We have also introduced community amateur sports clubs tax relief, which helps amateur sports clubs. In this job, it will be my passion to increase, improve, help and support the network of sports clubs in this country, which give so much more back to communities than simply the opportunity to play sport.

Mr. David Kidney (Stafford) (Lab): Will my right hon. Friend congratulate Stafford Town football club on receiving £670,000 from the lottery and the National Sports Foundation for its community work? Will he accept the suggestion made to me last week by sixth-formers at Wolgarston high school, Penkridge, who said that we should forge stronger links between community amateur sports clubs and schools, so that when young people's interest in sport is sparked at school, they can continue it outside and after school?

Andy Burnham: I entirely endorse my hon. Friend's comments. I am one of those who was unfortunate enough to be at school in the 1980s under a previous Administration. I remember when competitive sport was taken away: I was aged 15 at the time, and cricket and football ended—it was a devastating blow. We need to get those links right, so that we get competitive sport back in schools. We need strong links with local clubs, so that players come through and go on to play for those clubs. That is exactly the right way to go.

Regional Theatre

9. **Mr. Hugo Swire** (East Devon) (Con): What the Government's policy is on regional theatre in England; and if he will make a statement. [182030]

The Minister of State, Department for Culture, Media and Sport (Margaret Hodge): Policy on regional theatre is determined by the Arts Council England. It published its theatre policy document in November 2006, and it is available on its website. The document sets out its priorities for theatre from 2007 to 2011.

Mr. Swire: While I imagine that most hon. Members on both sides of the House subscribe to the principle of the arm's-length funding of the arts, which the new Secretary of State has articulated, equally I think that many hon. Members on both sides of the House will be perplexed and bemused by some of the recent Arts Council decisions with regard to the regional funding of theatres, not least the Bush theatre in London and, more locally to me, the Northcote theatre in Exeter, which has just received £2 million in renovation grants from the Arts Council and was set to receive its budget grant. Now there has been a volte-face, which I welcome. With the new Secretary of State in his post and the outgoing chief executive of the Arts Council, Peter Hewitt, being replaced by Alan Davey from the Department for Culture, Media and Sport, it is timely to have a fundamental review of the guidelines—my hon. Friend the Member for Maldon and East Chelmsford (Mr. Whittingdale), the Select Committee Chairman, just asked the Secretary of State for such a review—outlining what the Arts Council should be doing in the 21st century that does not compromise the principle of arm's-length funding.

Margaret Hodge: The implication of the hon. Gentleman's remarks is that the only thing that has gone wrong and on which he wants to intervene is the arm's-length funding. If we were to interfere with that principle, it would kill off freedom of expression, inhibit artistic freedom and destroy much of the excellence in the arts of which we are so proud in Great Britain today. Beyond that, the Arts Council works to

guidelines set by the Department, answerable to Parliament, in each spending review period. Within that framework, it should be left alone to make the best judgments. As the hon. Gentleman well knows, no final decisions have been made yet—they will be made later this week.

Topical Questions

T1. [182004] **Ms Dawn Butler** (Brent, South) (Lab): If he will make a statement on his departmental responsibilities.

The Secretary of State for Culture, Media and Sport (Andy Burnham): I take on this new role at a time of tremendous opportunity for culture, sport and media in this country, and I will work enthusiastically to ensure that we make the most of that opportunity. I pay tribute to my predecessor—and, indeed, to my predecessor's predecessor—for setting the Department on a clear direction towards delivering world-class cultural and sporting activity. I intend to continue that work, and my primary focus will be where the Government's should be: on the base of the talent pyramid, giving people new opportunities to develop artistic and sporting talents. The Government have made progress, but too much talent is still going unspotted. That is the challenge, in my dream job—to make sure that everyone else has the opportunity to realise their dreams.

Ms Butler: I thank the Secretary of State for that answer. I echo the good wishes of all Members of the House and congratulate him on his new appointment.

I am the Member of Parliament for the most diverse constituency in the UK. Will the Secretary of State say whether he supports the new McMaster review on excellence, and in particular, its recommendations on diversity?

Andy Burnham: I thank my hon. Friend for that question and for her warm welcome. I am happy to endorse fully the conclusions of the McMaster report. People who have read it will have seen that it is the very opposite of elitist. It seeks to reclaim the word "excellence" from those who push an elitist view of the arts. It is not without its challenges. On diversity, McMaster says:

> "We live in one of the most diverse societies the world has ever seen, yet this is not reflected in the culture we produce, or in who is producing it."

My hon. Friend is right to highlight diversity as an incredibly important issue for the arts in the years to come. There is more to do, but we have set out the right direction in this report, and we will follow it through.

T2. [182005] **Mr. Mark Harper** (Forest of Dean) (Con): The new Secretary of State has a lot of experience of comprehensive spending reviews. In the 2004 review, the Government set a target for the growth of the tourism and creative leisure industries. By 2007, no mention was made of tourism at all. Why was there that change in Government priorities?

Andy Burnham: I am glad that the hon. Gentleman mentioned the funding settlement for the Department; my right hon. Friend the Minister of State also mentioned it a moment ago. Like her, I pay tribute to the former Chief Secretary to the Treasury for securing such a marvellous settlement for the Department. The Department has more funds; it can prioritise and ensure that the Olympics bring more tourists into this country. Like everybody else, the tourism authorities in this country have to prioritise and make sure that they spend their funds as wisely as possible. That is what they will do.

T3. [182007] **Mr. Lindsay Hoyle** (Chorley) (Lab): Sport is topical at the moment. Does my right hon. Friend agree that the most important thing is to get people to play sport and that they have to have facilities? Will he ensure, through his good offices, that funding will be available for sporting villages, which Chorley sorely lacks at the moment?

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): I heartily agree with my hon. Friend; a sports village in Chorley would be more than welcome. We are happy to work with him and the agencies to ensure that we have the sporting infrastructure to build on the £4 billion of investment in sport that there has been in the past 10 years. The Government cannot be accused of not investing in sport. We want to do more and to get more people actively involved.

Mr. Jeremy Hunt (South-West Surrey) (Con): I believe that the Secretary of State is an Everton fan, so he will know the importance of stable management at the top of clubs. No doubt he will be as bemused as we are that he is the third Secretary of State for Culture, Media and Sport in just eight months. However, we warmly welcome him to his post.

The Secretary of State said that he fully endorsed the McMaster report. One of its recommendations is that the Arts Council should have a representative in the recruitment processes for every organisation that he funds. Is that not an appalling imposition of central control that completely breaches the arm's-length principle of arts funding and is completely against the spirit of letting a thousand flowers bloom?

Andy Burnham: I thank the shadow Secretary of State for his kind introduction. Mr. David Moyes is probably a fine example to everybody in Government of stability and making the right decisions for the long term.

I spent the weekend studying the McMaster report in some detail. It articulates the right way forward at this precise moment in time for arts in this country. It does not involve a debate between access on the one hand and excellence on the other, but is about having the two together so that the highest quality art can be made available to as many people as possible. Not every recommendation in the report falls to the Government—some of them are for arts organisations and the Arts Council to consider and take forward. It is a good principle that those who care about and are passionate about the arts are involved in the decision-making process.

Mr. Hunt: I appreciate that the Secretary of State is new to his role, but may I ask him about an important point in the McMaster report, which specifically says

that the Arts Council should have a representative involved in the recruitment processes of all the organisations that it funds? As he will appreciate, such a representative would have enormous weight in that process because of the money that the Arts Council wields. Would not that mean a huge increase in the Arts Council's central control of the way in which its funded operations operate and, among many good recommendations in the McMaster report, be a bad step backwards?

Andy Burnham: I hear what the hon. Gentleman is saying. If he has genuine concerns about that particular part of the McMaster report, I would be happy to discuss it further with him. I read it not as an attempt to extend the reach of the Arts Council into every organisation, but as a sensible attempt to ensure clarity throughout the system and consistency in how decisions on arts funding are taken. However, there is, of course, an opportunity for debate to take place about this very important report for the future of the arts. If the hon. Gentleman has a different view, I would be happy to discuss it with him, but I am very encouraged and enthused by what Sir Brian McMaster has put forward to the Department.

Tony Lloyd (Manchester, Central) (Lab): I, too, welcome my right hon. Friend to his new post, even as an Everton supporter.

My right hon. Friend rightly talks about the encouragement of diversity in our arts. The Arts Council North West has threatened LipService, the radical and innovative theatre company, and Queer Up North with cessation of funding. He may be right that the Government should not directly influence the views of the Arts Council, but should not they be saying to the Arts Council that it is unreasonable of it not to give adequate notice of or to have proper discussion about when it is going to withdraw funding, because that is the real issue about the incompetent way in which this year's funding proposals have been taken forward?

The Minister of State, Department for Culture, Media and Sport (Margaret Hodge): First, I say to my hon. Friend that final decisions have yet to be taken and we will know what they are by the end of this week. Secondly, he is right to say that proper notice should be given, and the Arts Council intends to work through that with individual arts organisations. Thirdly, the Arts Council takes diversity in funding of the arts extremely seriously, as we do, and we will have to see whether that is reflected in its decisions; I hope and believe that it will be.

T5. [182009] **Mr. Adam Holloway** (Gravesham) (Con): The Minister will be aware of the iconic "Angel of the South" sculpture proposed for the Ebbsfleet area. This morning, the five finalist artists have been chosen. How much say does he think that local people should have in the final choice?

Margaret Hodge: The hon. Gentleman touches on a matter that we all feel is extremely important—that local people should be engaged in the decision-making process on public art ventures in localities. The art is for them, will be enjoyed by them, and will give an identity to the place in which they live. They should therefore feel that they too are engaged in the decisions about which artist is commissioned and which particular bit of sculpture they have.

T8. [182013] **Mr. David Heathcoat-Amory** (Wells) (Con): Has the Minister had a chance to discuss proposals by the British Council to downgrade activities and funding for the promotion of British art abroad and instead to spend the money on more conferences, multi-resource interactive facilities, networking and so on? Does she agree that it is essential that we promote the best of British art abroad, and will she make that clear to the Foreign Office and to the British Council?

Margaret Hodge: I totally agree with the right hon. Gentleman. It is crucial that we promote the best of British art—a field in which we are so great—abroad, not just because of what it says about Britain, but because of the role it plays more broadly in the creative industries. The Foreign Office and the Foreign Secretary and his Ministers believe, as we do, that that is important. I am aware of the proposals made by the British Council to change the way in which it works in the arts field, and we are in discussion with the council to ensure that it meets the right hon. Gentleman's aspirations and ours.

Mr. Don Foster (Bath) (LD): I welcome the Secretary of State to his new role, and I also welcome his praise for the McMaster report, including its recommendation to reduce targets. Is he aware that his new Department has failed to meet its target to boost participation and attendance at artistic events? If there are no longer to be targets in that area, can he assure us that he will continue to work to ensure that we see an increase in attendance, and not a reduction, as in the past 12 months?

Andy Burnham: I thank the hon. Gentleman for his kind words of welcome, and I also thank him for his support for the McMaster report. It is important for the arts world to hear that there is consensus in the House on these matters.

I was considering the spending review from a different vantage point only a few days ago, but we are trying to create a framework in the review whereby the level of ambition in a target is set at a local level, so that local organisations have ownership of that target and can believe that setting such a target is the right thing to do. Such targets can be made part of the local area agreements that local authorities are currently striking. The hon. Gentleman is right to say that there should be no let-off in our ambition to get people into the arts, but it is also right that we hear the complaints made about having too great a reliance on targets, and that we free up organisations up to fund what they want to do.

Andrew Mackinlay (Thurrock) (Lab): May I draw the Secretary of State's attention to an exchange I had with the Secretary of State for Children, Schools and Families on 17 December, in which I alleged that there is cultural impoverishment of many schoolchildren because they are denied access to and experience of quality opera, ballet and classical music? Will he ensure that that issue does not fall between two ministries? We must really address this matter of cultural impoverishment. Will he allow me to bring the English Youth Ballet and the national chamber music school, Pro Corda, to see him and an education Minister to see how we can remedy this wrong? It is working class children in particular who are denied access to such quality culture.

Andy Burnham: My hon. Friend is on the right theme as far as I am concerned, because the issue is a passion of mine. We can look forward to significant progress in this area with the development of what we call the cultural offer, whereby we make available a much wider range of cultural and artistic opportunities to young children at school. Some arts organisations, such as the Royal Opera House and others, are doing a great job in forging links with schools and making new opportunities available. I will be happy to meet my hon. Friend to see whether we can take that agenda still further forward.

MINISTER FOR THE OLYMPICS

The Minister for the Olympics was asked—

Legacy Objectives

1. **Mr. Mark Harper** (Forest of Dean) (Con): What recent discussions she has had on achieving the legacy objectives of the 2012 Olympic Games; and if she will make a statement. [182014]

The Minister for the Olympics (Tessa Jowell): The London 2012 Olympics will be the first ever games to build legacy in from the outset. That legacy is built around the five main themes of sport, regeneration of the east end of London, opportunities for young people, sustainability and the UK's profile in the world. We will shortly publish the detailed access plan, which will describe how each of those specific commitments will be realised.

I have had extensive discussions with a wide range of interested parties about how we maximise the legacy. We have also extended an invitation to people in every region of the country through two 2012 roadshows, the UK School Games and, as recently as two weeks ago, the launch of the new business opportunities network; £6 billion and 75,000 contracts will be available for British firms to bid for throughout the country.

Mr. Harper: I thank the Minister for that answer. She will know, obviously, that the Olympic village will have 3,600 new homes. In the spirit of the Paralympics, will she tell me how many of those homes will be fully accessible for disabled people?

Tessa Jowell: My understanding is that the whole Olympic village will be constructed to the highest accessibility standards.

Ms Dawn Butler (Brent, South) (Lab): Will my right hon. Friend tell the House what involvement Wembley will have in the Olympic legacy?

Tessa Jowell: Wembley will be the location for the football part of the Olympic games and as such will be seen around the world, to our great pride.

Tom Brake (Carshalton and Wallington) (LD): The Minister has committed to use the Olympics to help to create a £100 billion tourism industry in the UK by 2010. Indeed, even more ambitious figures have been put forward. However, the most recent DCMS figures on tourism productivity show that the Government's original estimates were wildly over-optimistic—to a factor of 12. Does the Minister agree that the £9 million cut to VisitBritain's budget means that it is now impossible to achieve a sustainable Olympic tourism legacy?

Tessa Jowell: No, I do not accept that at all. The estimate of the tourism premium from the Olympic games is about £2 billion. Every regional development agency has developed its own Olympic plan. Plans for the development of tourism and the realisation of the tourism potential are critical parts of those Olympic plans. No doubt has been cast on the feasibility of whether those plans will deliver the Olympic tourism premium.

Olympic Delivery Authority

2. **Richard Ottaway** (Croydon, South) (Con): What her latest estimate is of the budget required for the Olympic Delivery Authority to hold the 2012 Olympic Games in London. [182015]

The Minister for the Olympics (Tessa Jowell): On 10 December 2007, I announced public funding for the Olympic Delivery Authority of £6.09 billion plus a contingency of just over £2 billion against the known programme-wide risks and risks outside the ODA's control. That amounts to a total public funding commitment of just under £8.1 billion to build the venues and infrastructure needed for the games. Recent scrutiny of the programme and the budget shows that the ODA remains on budget and on-track to deliver in line with my announcement of last March.

Richard Ottaway: While I share the Minister's enthusiasm for the Olympics, does she share my belief that the finances need to be utterly transparent? Last November, the permanent secretary in her Department said that most, if not all, of the contingency fund would have to be spent because of the complex and high-risk nature of the project. In the circumstances, would it not be helpful to set out how she envisages that the contingency fund will have to be spent and to publish a revised budget?

Tessa Jowell: There is no need to publish a revised budget. The point that the permanent secretary made to the Select Committee on Public Accounts was accurate—at this stage in the development of a highly risky construction project, the only safe assumption is that the contingency will be fully used. However, the further assessment of the budget for the ODA has shown that there is an 80 per cent. probability that the Olympic park will be developed for less than £8.1 billion, a figure that includes the contingency. The finances are under control and transparent, and I have made clear commitments to ensure that the House is updated on the budget at six-monthly intervals.

Hugh Robertson (Faversham and Mid-Kent) (Con): In Athens, rising security costs were the key reason why the budget overran so disastrously. Given that myriad organisations are involved—the Army, the police, the security services and the private sector—and that there will always be a temptation for the police to put a number of desirable items in their budget through on the Olympic balance sheet, what precise control mechanism are the Government putting in place to ensure that that does not happen here?

Tessa Jowell: The hon. Gentleman asks an important question and we are determined that the Olympic security budget will pay for costs that are directly incurred by the Olympics rather than other matters. He knows that there are three responsible elements: the organising committee for the games, the Olympic Delivery Authority and the Home Office, which takes the lead. He also knows that the governance arrangements for security to ensure the effectiveness of the plan and proper cost control are in place. We expect the Olympic security plan to be completed and published in the next few months. However, it must be subject to continual review and updating between now and 2012.

Legacy (Northamptonshire)

3. **Mr. Peter Bone** (Wellingborough) (Con): What she expects the legacy of the 2012 Olympic Games to be in Northamptonshire. [182017]

The Minister for the Olympics (Tessa Jowell): The east midlands strategy for the 2012 games has made some significant commitments, including to increased participation in sport, raising the profile of tourism in the region and providing support to businesses to enable them to win 2012 contracts. Already, 17 of the contracts have been let by the ODA to firms in the east midlands. There will be further opportunities for the east midlands to get involved in the cultural olympiad and in volunteering. However, none of that will happen by chance and I extend an invitation to the hon. Gentleman and all his colleagues to utilise fully the many opportunities for his constituents in the east midlands to be part of the 2012 games.

Mr. Bone: I asked about Northamptonshire rather than the east midlands, but is it not it a fact that there will not be a legacy for the east midlands? The Olympics are a good thing to have and will be a great success for this country, but we must not pretend that there will be a legacy for anywhere north of Watford.

Tessa Jowell: It is not the case that there will be no legacy for the east midlands and for the hon. Gentleman's constituents in Wellingborough. There are opportunities for engaging in volunteering and potentially developing training camps. An economic legacy derives from bidding for Olympic contracts. The opportunity to ensure that the hon. Gentleman's constituency benefits is in his hands.

Ms Sally Keeble (Northampton, North) (Lab): Does my right hon. Friend know that, in Northamptonshire, we are setting up a champion's fund to pay for young athletes to be trained for the Olympics? Does she agree that one of the great legacies that we in Northamptonshire are creating for ourselves is ensuring that we have more highly trained, elite athletes, who can take part in the Olympics and other international and national games?

Tessa Jowell: That is absolutely the point. I pay the warmest tribute to my hon. Friend, who has shown genuine leadership in Northampton in bringing together businesses and local organisations in pursuit of the Olympic potential for young people in her constituency. I congratulate the young athletes in the talented athlete programme and I commend the Northamptonshire champion's fund, of which she has been such a powerful advocate.

Personal Statement

3.33 pm

Derek Conway (Old Bexley and Sidcup) (Con): With your permission, Mr. Speaker, I wish to make a personal statement to the House. The Committee on Standards and Privileges has today issued its report on the complaint made against me for employing my son as a researcher and parliamentary assistant.

I will not delay the business of the House by going through the contents of that report, as it is publicly available. The Committee was entitled to reach the conclusions that it did and I have accepted its criticisms in full. I unreservedly apologise to the House for my administrative shortcomings and the misjudgments I made. In my submissions to the Committee and the commissioner, I set out my case and I leave it to hon. Members to form their own judgment of my conduct. I should like to make it clear that throughout the investigation the commissioner acted with absolute courtesy and the Committee afforded me every opportunity to explain my position.

In apologising to the House, I would also like to apologise to my constituents and to the Old Bexley and Sidcup Conservative association, which has been so very supportive to me and my family throughout a very difficult period. The House will comprehend the impact that this matter has on me personally and also on my family. I have let them down very badly indeed, and no judgment from any quarter could be more harsh than that which I apply to myself.

Points of Order

3.34 pm

Rob Marris (Wolverhampton, South-West) (Lab): On a point of order, Mr. Speaker. It saddens me to raise this point of order. Part of your role is to uphold the rights of Back-Bench MPs; part of my role as a Back-Bench MP is to uphold the rights of my constituents and to hold the Executive to account. On 10 September, I wrote to the Financial Secretary to the Treasury. Despite seven reminders since then, I have not received a reply as of 10 minutes ago. Will you call the First Lord of the Treasury to come before the House and explain what is happening with Members' correspondence?

Mr. Speaker: I am sure that the hon. Gentleman's deep concern will be duly recorded and heard.

David Howarth (Cambridge) (LD): On a point of order, Mr. Speaker. I am having some difficulty understanding how motion No. 1 on today's Order Paper can be in order. It appears to have been made under Standing Order 15(2)(b), in so far as it is a motion to be moved by a Minister of the Crown

"to the effect that any specified business may be proceeded with at this day's sitting...until a specified hour"

namely 10 o'clock. Since motion No. 1 is such a motion, whether it says so or not, it should be taken not now, but at 10 o'clock. However, if it were taken at 10 o'clock, it would have no effect, because it would be too late. Therefore, in my view the motion seems to be out of order.

Mr. Speaker: If the motion were out of order, it would not be on the Order Paper and it would not be in my dossier. I can assure the hon. Gentleman that the motion is definitely in order.

Simon Hughes (North Southwark and Bermondsey) (LD): On a point of order, Mr. Speaker. Could you tell the House whether the effect of motion No. 1, if passed, would be to make it impossible for more than one amendment to motion No. 2 to be taken? Obviously, motion No. 1 is a timetable motion for today. There are various amendments on the Order Paper, including ones tabled by my right hon. and hon. Friends. I have been led to believe that it might not have been open to you to select them even if you had been so minded, because they would have been precluded by motion—

Mr. Speaker: Order. I will stop the hon. Gentleman there. It was indeed open to me to select the amendment that he is questioning, but I did not select it. Therefore, the matter before us is the business of the House and the amendment that I have selected.

Business of the House

3.37 pm

The Minister for Europe (Mr. Jim Murphy): I beg to move,

That, at this day's sitting, the Speaker shall put the Questions necessary to dispose of the Motion in the name of Ms Harriet Harman and Secretary David Miliband relating to the Business of the House (Lisbon Treaty) not later than Ten o'clock; proceedings may continue after the moment of interruption; and Standing Order No. 41A (Deferred divisions) shall not apply.

The effect of the motion would be to bring proceedings on the main procedural motion to a conclusion no later than 10 o'clock this evening. This is a straightforward motion that is procedural in nature. If the House agrees to it swiftly, we will have around six hours to discuss the Government's proposed approach to the important scrutiny of the European Union (Amendment) Bill. That discussion will give hon. Members the opportunity to debate the substantive business motion in detail. At that time, I will make the case in favour of a structured, themed approach to scrutiny of the Bill. A themed approach will ensure that we can cover the range of issues arising from the Lisbon treaty.

David Howarth (Cambridge) (LD): Can the Minister explain what difference the motion will make and how the business of the House would be structured differently if it were not passed?

Mr. Murphy: The purpose of the motion is to bring our consideration on the main motion to a conclusion by 10 o'clock this evening. Once motion No. 1 has been considered, we will have the opportunity to discuss the structure of the table in motion No. 2 and the themed debates before the House.

The themed debates will ensure that we are able to cover the range of issues that arise from the Lisbon treaty. The issues that we have identified are: justice and home affairs; energy; human rights; the single market; common foreign and security policy; international development; EU institutions and decision making; and climate change. That will allow us to—

Mr. Speaker: Order. The Minister is going beyond the scope of the motion. The business that he is talking about relates to the next motion.

Mr. William Cash (Stone) (Con) *rose*—

Mr. Murphy: Mr. Speaker, with your indulgence, I shall nevertheless give way to the hon. Member for Stone (Mr. Cash).

Mr. Speaker: I have ruled this subject out of order. We shall have to wait and see what the hon. Gentleman says in his intervention.

Mr. Cash: I was going to raise a similar point, and I am grateful to you for having ruled accordingly, Mr. Speaker. Will the Minister be good enough to accept that the effect of this motion is to prevent debate, whereas there used to be a time when such programme motions and guillotines were used to ensure proper, orderly debate? This motion is designed to stop debate.

Mr. Murphy: I think that the whole House will thank the hon. Gentleman for fulfilling the unusual role of keeping the House in order when it comes to a European debate.

I am confident that, with some collective self-discipline, this allocation of time and the subsequent debate on the business motion will ensure that we have a comprehensive debate.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): Is the Minister saying that, if anything that we wish to debate is not on the list of subjects that he has enunciated, it will be excluded from the debate if we accept his timetable? It is a simple point, but it is rather important.

Mr. Murphy: Mr. Speaker, I think that you would discourage me from responding to that point until our second debate this afternoon, at which time I shall be happy to respond to my hon. Friend's question.

The allocation of time up to 10 o'clock this evening will give us ample opportunity to discuss the Government's motion and the amendment tabled in the name of the Opposition.

Mr. Kenneth Clarke (Rushcliffe) (Con): Will the Minister explain why he seems to be wasting time on a motion on the 10 o'clock rule? We always finish at 10 o'clock on Mondays unless the business is suspended. If, by chance, we are still talking at 10, it will be up to the Government Chief Whip to rise to his feet and move that the question be now put. I cannot anticipate your ruling, Mr. Speaker, but it is likely that that would be granted. We could have this debate every Monday. Is this an elaborate attempt on the part of the Government to demonstrate how generous they are with their time? In reality, the Minister is simply giving us the usual amount of time for a Monday debate.

Mr. Murphy: The right hon. and learned Gentleman makes a fair point. The important point, however, is that the hon. Member for Stone (Mr. Cash) probably would not have given us the opportunity to conclude our proceedings at 10 o'clock, and the purpose of the motion is to ensure that we can do so. Based on the encouragement of the right hon. and learned Member for Rushcliffe (Mr. Clarke), I urge the House to support the motion.

3.43 pm

Simon Hughes (North Southwark and Bermondsey) (LD): I just want to make sure that the House understands the point made by the right hon. and learned Member for Rushcliffe (Mr. Clarke). This motion is complete nonsense. It is unnecessary. If it were necessary, it would be serving to reduce the opportunity for amendments. However, Mr. Speaker, you have ruled that that is not the case and that you had full discretion over the amendments. This motion should therefore not be on the Order Paper.

The Government have consulted about the style of dealing with the Bill, but not about the timetable. I am afraid that they have started today badly, because they are not only alienating the people whom they have alienated before by bringing the Bill to the House, but, procedurally, alienating some of their friends who

support the Bill but who cannot support this motion or a timetable that has not been carefully negotiated to accommodate all the interests of the House. We shall oppose the motion when it is put to the vote.

3.44 pm

Bob Spink (Castle Point) (Con): This motion seeks to limit debate to 10 o'clock tonight, which in view of its importance is quite improper. The whole country is interested in our constitutional relationship with the European Union. We are debating the timetable for that debate, so it is important that we do not curtail the debate in any way.

Last night, BBC Radio 4's "Westminster Hour" at 10 pm covered the House's upcoming business, yet at no time was the EU debate mentioned. That shows, of course, the lack of publicity given by the BBC, because of its bias and probably as a result of the EU's funding of the BBC. The soft loans and other funding amount to some €256 million over the past five years alone. That shows the importance of our having an unlimited debate in this House, so that people in this country can understand the importance of the question. I am certainly against the motion and I urge the House to vote against it so that Members can debate the matter for as long as it takes and we can get publicity and understanding in the country on its importance.

3.46 pm

Rob Marris (Wolverhampton, South-West) (Lab): In response to the hon. Member for Castle Point (Bob Spink), I have to say that my constituents would find it odd if we were to have a long debate about timetabling a debate for a timetable.

3.46 pm

Mr. William Hague (Richmond, Yorks) (Con): The Minister might have done better to have moved the motion in 10 or 20 seconds rather than partly to have got on to other things. As the Opposition, we disapprove of all the restrictions proposed so far on debating this particular measure, but we believe that the sooner that we get on to the main motion before the House, the better.

Question put:—

The House divided: Ayes 248, Noes 204.

Division No. 055] **[3.46 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Cairns, David
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
David, Mr. Wayne
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Hall, Mr. Mike
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hoey, Kate
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Irranca-Davies, Huw
Jenkins, Mr. Brian
Johnson, rh Alan
Jones, Helen
Jones, Mr. Kevan
Jowell, rh Tessa
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Malik, Mr. Shahid
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFall, rh John
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mullin, Mr. Chris

Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Russell, Christine
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Snelgrove, Anne
Southworth, Helen
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Mr. Neil
Twigg, Derek
Vaz, rh Keith
Vis, Dr. Rudi
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Wright, David
Wright, Mr. Iain
Wyatt, Derek

Tellers for the Ayes:
Ms Diana R. Johnson and Tony Cunningham

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dorries, Mrs. Nadine
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Gove, Michael
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Horam, Mr. John
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Opik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Streeter, Mr. Gary
Stunell, Andrew
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Walter, Mr. Robert
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David

Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Young, rh Sir George

Tellers for the Noes:
Mr. Roger Williams and Willie Rennie

Question accordingly agreed to.

Resolved,

That, at this day's sitting, the Speaker shall put the Questions necessary to dispose of the Motion in the name of Ms Harriet Harman and Secretary David Miliband relating to the Business of the House (Lisbon Treaty) not later than Ten o'clock; proceedings may continue after the moment of interruption; and Standing Order No. 41A (Deferred divisions) shall not apply.

David Howarth (Cambridge) (LD): On a point of order, Mr. Speaker. In the light of the vote that we have just had, may I ask you to interpret Standing Order No. 32, on the selection of amendments? Only the main motion and one amendment have been selected, which does not seem enough to keep us going until 10 o'clock, the hon. Member for Stone (Mr. Cash) notwithstanding. Could you confirm that if time passes very slowly and the debate looks like coming to a premature end, you have the power to make a further selection of amendments during the debate?

Mr. Speaker: The hon. Gentleman is quite right—I do have the power when a debate is in progress to allow what is known as a manuscript amendment, but I am not going to do that this evening, so he need not worry. It has been my experience in the long time that I have been in the House that the hon. Member for Stone (Mr. Cash) is certainly able to keep things going until 10 o'clock—in fact, beyond, if necessary. I thank the hon. Member for Cambridge (David Howarth) for his deep concern, but I do not think that he has anything to worry about.

Business of the House (Lisbon Treaty)

4.3 pm

The Minister for Europe (Mr. Jim Murphy): I beg to move,

That the following provisions shall have effect.

(1) In this Order, 'allotted day' means a day on which the first business is

(a) a motion in the name of a Minister of the Crown to approve the Government's policy towards the Treaty of Lisbon in respect of specified matters,

(b) proceedings on the European Union (Amendment) Bill, or

(c) a motion to vary or supplement this Order.

(2) On an allotted day proceedings shall be taken in accordance with the Table.

(3) Standing Orders Nos. 83D and 83E (Programme orders: conclusion of proceedings) and 83I (Programme orders: supplementary provisions) shall apply to proceedings to which this Order applies as if they were subject to a programme order.

(4) On an allotted day no debate under S.O. No. 24 (emergency debates) may take place until after the conclusion of proceedings specified in the Table.

(5) The rule of the House against anticipation shall not apply to proceedings specified in the Table.

(6) If a Minister of the Crown moves a motion to vary or supplement this Order (including, in particular, so as to make provision about Lords Messages)

(a) if the amendment does not reduce the amount of time allotted overall to consideration of matters connected with the Treaty of Lisbon, the Question shall be put forthwith, and

(b) otherwise, proceedings on the motion shall be brought to a conclusion not later than three-quarters of an hour after commencement.

TABLE

Allotted Day	*Proceedings*	*Latest time for conclusion*
1	(A) Motion—'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning the following matters: fighting cross-border crime; justice; policing; human trafficking; and asylum and migration policy.'	4½ hours after commencement
	(B) Committee on the Bill: any selected amendments to Clause 1 and the Question, That Clause 1 stand part of the Bill; any selected amendments to Clause 2 relating to the matters specified in paragraph (A).	1½ hours after commencement
2	(A) Motion—'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning energy.'	4½ hours after commencement
	(B) Committee on the Bill—any selected amendments to Clause 2 relating to energy.	1½ hours after commencement

[Mr. Jim Murphy]

Allotted Day	*Proceedings*	*Latest time for conclusion*
3	(A) Motion "That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning human rights."	4½ hours after commencement
	(B) Committee on the Bill, any selected amendments to Clause 2 relating to human rights.	1½ hours after commencement
4	(A) Motion "That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning the single market."	4½ hours after commencement
	(B) Committee on the Bill, any selected amendments to Clause 2 relating to the single market.	1½ hours after commencement
5	(A) Motion "That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning foreign, security and defence policy."	4½ hours after commencement
	(B) Committee on the Bill, any selected amendments to Clause 2 relating to foreign, security and defence policy.	1½ hours after commencement
6	(A) Motion "That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning international development."	4½ hours after commencement
	(B) Committee on the Bill, any selected amendments to Clause 2 relating to international development.	1½ hours after commencement
7	(A) Motion "That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning the effectiveness of the EU institutions and EU decision-making."	4½ hours after commencement
	(B) Committee on the Bill, any selected amendments to Clause 2 relating to the matters specified in paragraph (A).	1½ hours after commencement
8	(A) Motion "That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning climate change."	4½ hours after commencement
	(B) Committee on the Bill, any selected amendments to Clause 2 relating to climate change, remaining amendments on Clause 2 and the Question, That Clause 2 stand part of the Bill.	1½ hours after commencement
9	Committee on the Bill – Clauses 3 to 7.	
10	Committee on the Bill – Clauses 3 to 7, so far as not completed on Allotted Day 9.	
11	Committee on the Bill – Clauses 8, the Schedule, New Clauses and New Schedules.	The moment of interruption
12	Remaining proceedings on the Bill	6 hours after commencement

Notwithstanding your comments, Mr. Speaker, regarding the point of order by the hon. Member for Cambridge (David Howarth), if he had been here for any of the previous European debates, he would know that we could certainly otherwise be here beyond 10 o'clock this evening and, potentially, 10 o'clock tomorrow morning, and not because of the hon. Member for Stone (Mr. Cash). The fact that the hon. Member for North Southwark and Bermondsey (Simon Hughes) is opening for the Liberal Democrats should guarantee—if we needed such a guarantee—that we will be discussing these matters up to 10 o'clock this evening.

The Prime Minister made the following clear in his post-European Council statement on 17 December:

"With the publication of the Bill"

that legislates for the amendments to the European Communities Act,

"Parliament will now have an opportunity to debate this amending treaty in detail and decide whether to implement it. We will ensure that there is sufficient time for debate on the Floor of the House, so that the Bill can be examined in the fullest detail and all points of view can be heard."

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab) *rose*—

Mr. Frank Field (Birkenhead) (Lab) *rose*—

Mr. Murphy: I wonder whether I might be allowed to finish the quote, by way of introduction, before I take both interventions.

The last sentence of the quote from the Prime Minister was as follows:

"That will give the House the fullest opportunity to consider the treaty, and the deal secured for the UK, before ratification." [*Official Report*, 17 December 2007, Vol. 469, c. 598.]

I shall now give way.

Mrs. Dunwoody: That is extraordinarily courteous and helpful, and I am deeply grateful to the Minister. I have studied the careful motion on the subjects to be discussed. May I ask him why transport is not mentioned in any form? He will be aware that Galileo, the railway packages and the creation of a European space agency mean that many aspects of the treaty involve a transference of powers from the House of Commons to the European institutions. We should be debating those, yet at no point in the motion are they even vaguely mentioned.

Mr. Murphy: I thank my right hon. Friend for her kind intervention.

Mrs. Dunwoody: I am not a right hon. Member.

Mr. Murphy: My apologies to my hon. Friend. On the substance of her intervention, perhaps I can reassure her about the important points that she raised. Those matters could be discussed entirely reasonably in our themed debates on energy, on the single market and on

the EU institutions and decision-making processes—it would be appropriate at that time to have the conversation about the EU institutions, the single market and transport.

Mr. Frank Field: I am grateful to my right hon. Friend. Does he accept that some hon. Members—certainly some Labour Members—feel a certain apprehension about the way in which the Government are approaching this? We know that they claim that the nature of the European Union (Amendment) Bill is not a constitution, but a treaty, and therefore we do not need a referendum. The Prime Minister told the country that this would be fully debated in the House of Commons, but we then realised that it will be debated for a set period of time only and the Whips are on.

We then see that the motion tabled by the Leader of the House and the Foreign Secretary has set topics only down for debate—my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) has already raised that matter. We have to spend most of our time debating general things—motherhood and apple pie are rather good—but those of us who want to probe the terms of the treaty and move amendments only have the chance to do so at the end of the day. If there was a real consultation on this, we would begin by allowing people to move amendments, even if the Minister chose the topics that we could debate that day.

Mr. Murphy: The points raised by my right hon. Friend—there is a theme developing here; like my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody), I do not enjoy the elevated status that he enjoys as a member of the Privy Council, but let us put that to one side for a moment—are important. I hope that my comments and the way in which I argue our case will be able to persuade him that his concerns can be met by the structure of the motion.

Sir Patrick Cormack (South Staffordshire) (Con): Like the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), I am grateful that the Minister is very courteous. He deservedly has a reputation for courtesy, but frankly this situation is not good enough. On a number of occasions I have asked the Prime Minister at that Dispatch Box whether we would have proper time for this series of lengthy debates without a timetable motion. I am not suggesting that the Prime Minister said that he would not have a timetable motion—he evaded the issue; he did not say that we would have one. The motion before us is so constricting and constraining that it will be impossible for the treaty to be properly debated in this House, and those who have a preference for parliamentary scrutiny over referendums, as some do, will be denied their proper opportunity to debate the issues.

Mr. Murphy: Again, I hope that my remarks will convince the hon. Gentleman of the merits of the motion before us. In the quotation from the Prime Minister that I have already given, he said that there would be sufficient time for debate on the Floor of the House. The time available through this motion for debate is 12 days, which was the total time given to the ratification process for the treaties establishing the Single European Act, the Amsterdam treaty and the treaty of Nice.

Several hon. Members *rose*—

Mr. Murphy: I shall give way to my hon. Friend the Member for Newcastle-under-Lyme (Paul Farrelly) and then to my hon. Friend the Member for Linlithgow and East Falkirk (Michael Connarty), who chairs the European Scrutiny Committee.

Paul Farrelly (Newcastle-under-Lyme) (Lab): After opposing a private Member's Bill on the issue tooth and claw, the Government were instrumental in ensuring that there was no agreement on a European directive on temporary and agency workers on 5 December last year. I note from the list of topics that there is no session provided to discuss the social and employment aspects of the treaty. Why is that, given the importance attached to those issues on the Government Benches? What day may issues such as the directive on agency workers, or indeed working rights generally, be discussed?

Mr. Murphy: Of course, it is for you, Mr. Speaker, to decide which amendments will be in order on which day. However, the Government understand that the two themes that would lend themselves to the type of debate that my hon. Friend and others want are the debate on human rights, which will include the charter of fundamental rights, and the themed debate on the single market. Those would be the most appropriate opportunities to raise the issue of agency workers.

Michael Connarty (Linlithgow and East Falkirk) (Lab): The Minister will realise that one of the most important debates that we had when he and the Foreign Secretary appeared before my Committee was on the charter of fundamental rights. It is clear that there is a wide divergence in the legal and political opinion of the posture taken by the Government and whether it is significant, sustainable or damaging to labour relations. In the interest of labour relations and many people in this country, the charter of fundamental rights deserves a separate day for debate. I notice that the amendment tabled by the Opposition includes a day on the charter combined with other subjects. The question whether the Government's position on the charter negates it or allows it to be applied in a way that would be useful to working people is fundamental.

Mr. Murphy: On the question when the charter could be debated, I refer my hon. Friend, who speaks with great experience on such matters, to my reply to my hon. Friend the Member for Newcastle-under-Lyme. The fact is that the United Kingdom has neither sought nor achieved an opt-out on the charter of fundamental rights, which will apply in every member state of the European Union. The UK's position on that is clear, but I look forward to the opportunity to discuss that and other related matters.

Simon Hughes (North Southwark and Bermondsey) (LD): The Minister has said that the timetable that the Government propose is longer than the debates on three previous treaties. Will he put on record that the time taken by the debates on the Maastricht treaty—some of us see a parallel with this Bill, because of the debate about a referendum, which the Tory Government of the

[Simon Hughes]

day opposed—was longer than that allocated in this motion? How many days were given to that debate on the Floor of the House?

Mr. Murphy: I was not a Member at the time, and the hon. Gentleman was, but I think that it was 23 days. The motion was tabled, withdrawn and then re-tabled. The lesson of Maastricht, for both sides of the House, is that it was an exercise that we should repeat at our collective peril.

Several hon. Members *rose—*

Mr. Murphy: I shall give way to my hon. Friend the Member for Manchester, Blackley (Graham Stringer) and then the hon. Member for Blaby (Mr. Robathan), the Opposition deputy Chief Whip.

Graham Stringer (Manchester, Blackley) (Lab): In answer to my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody), the Minister said that there would be ample time to discuss transport under various other headings, such as energy. Can he tell us when a Minister from that Department will answer the debate, so that our many concerns about transport at a European level can be answered satisfactorily on the Floor of the House?

Mr. Murphy: I am certain that whichever Minister stands at the Dispatch Box during that debate will be able to answer the questions in great detail and with great authority. As the debate progresses, Government Members will take a whole-Government approach to making a positive case for Europe, which will involve different Ministers, including Cabinet Ministers, standing at the Dispatch Box making a passionate case for Europe. I give way to the shadow deputy Chief Whip.

Mr. Andrew Robathan (Blaby) (Con): The Minister is being extremely generous in taking interventions. To take him back to that very interesting quote from the Prime Minister, I shall give him another:

"The manifesto is what we put to the public. We've got to honour that manifesto. That is an issue of trust for me with the electorate."

That is from 24 June. I have been studying the differences between the constitution and the reform treaty. At some point in our debate, should not the Government put the case for not holding a referendum to the House of Commons?

Mr. Murphy: I thank the hon. Gentleman for his kind comments and congratulate him on taking a milder tone today than he did last week.

Mr. Robathan: No more propaganda.

Mr. Murphy: I do not know whether the hon. Gentleman wishes to complete that sentence as he did last week, but I shall leave it there. I was asked soon after taking this job last summer whether we would guarantee the Commons an opportunity, during the consideration process, to debate and vote on a motion on a referendum on the treaty. We specifically designed clause 8 of the European Union (Amendment) Bill to enable that. There will be an opportunity for a referendum. I note in passing that the Government and the Opposition both propose a one-day debate on that subject.

Mr. John Gummer (Suffolk, Coastal) (Con): Does the Minister accept that even those of us who are not unhappy about the treaty but do not believe in referendums are unhappy about the timetable for the same reasons as many who have doubts about the treaty? A series of subjects has already been raised with him that are not in the timetable. That must make it difficult to argue that we are providing proper parliamentary scrutiny. Can he not realise that this debate ought to be at least as long as the debate on the Maastricht treaty, and that we should have a proper debate on transport, not least because the environmental connections with transport are crucial to the next generation? If the European Union does not deal with those issues, it will not be dealing with the proper issues. For that reason, I should like to have a very long debate on transport.

Mr. Murphy: I am certainly of the view, as I said to my hon. Friend the Member for Crewe and Nantwich, that the themed debates on climate, energy and the single market will give hon. Members—and right hon. Members such as the right hon. Gentleman—the opportunity to discuss those issues.

Several hon. Members *rose—*

Mr. Murphy: Of course I will take some more interventions, but with your agreement, Mr. Speaker, not four simultaneously. I am still only a quarter of the way through page 1 of my brief, and all that I have done is to offer the introductory quote from the Prime Minister. I have another 12 and three quarter pages left. I give way to the hon. Member for North Essex (Mr. Jenkin).

Mr. Bernard Jenkin (North Essex) (Con): I am most grateful for the Minister's courtesy and generosity in giving way. Will he confirm that if the Government were to lose a vote on a substantive amendment when we discuss the Bill in Committee, it would have an effect on the Bill, but that most of our time will be spent discussing Government motions? Even in the unlikely event that the Government lose a vote on a motion, that will have no effect whatever on the Bill. We are not actually discussing the Bill when we are discussing a Government motion. It is hardly the line-by-line debate that the Prime Minister promised.

Mr. Murphy: As the debate progresses during the forthcoming weeks, we will have the opportunity to discuss both the Government's approach to Europe generally and specific proposals in the Bill and the treaty of Lisbon. The hon. Gentleman may wish to reflect on his observation as we progress in our proceedings on the treaty and the Bill; he will see whether it is indeed a fair criticism.

Mr. Greg Hands (Hammersmith and Fulham) (Con): May I come back to the charter of fundamental rights, as it is peculiar that specific time has not be set aside to debate it? The Minister will recall that last week, I intervened on him and asked him about the fact that

the previous Prime Minister had said that the charter of fundamental rights would not apply in the United Kingdom at all. However, the Minister told the European Scrutiny Committee on 2 October that the protocol

"was a statement of how the Charter provisions will apply in the UK".

It is absolutely fundamental to the question whether the treaty is acceptable or not that we should debate whether the charter will take effect in the United Kingdom, and whether judgments by the European Court of Justice will have an impact on UK law or not.

Mr. Murphy: Without wishing to repeat what I said to my hon. Friend the Member for Newcastle-under-Lyme, there is an opportunity, both in the themed debate on the single market, and in the debate on human rights, which includes the charter, to have a detailed conversation about those matters. Again—in Glasgow, we would say for the umpteenth time—may I repeat that the UK has neither sought nor achieved an opt-out from the charter of fundamental rights, which will apply in the UK? The position is very clear indeed.

Mr. David Heathcoat-Amory (Wells) (Con): *rose—*

Mr. Gerald Howarth (Aldershot) (Con) *rose—*

Mr. Murphy: I will give way to the right hon. Member for Wells (Mr. Heathcoat-Amory) first, and then to his hon. Friend.

Mr. Heathcoat-Amory: Under the Government proposals, we will debate Government amendments on a line-by-line basis for only an hour and a half. If those amendments are grouped, we would vote on them within that period. If we divide the House on three occasions, that would reduce the time for debating amendments to 45 minutes, although the subject may be as general and important as foreign, security and defence policy. Does that really discharge the Government's promise to scrutinise the treaty line by line—something on which I received personal assurances from two Foreign Secretaries and the previous Prime Minister?

Mr. Murphy: May I make a little progress? I fully intend to deal with the points made by the right hon. Gentleman, and I will give way to him again at an appropriate point later. I hope that I can offer him some of the reassurance, at least on the surface, that he wishes to receive. I am not sure that I will convince him entirely about the approach we seek to take, but I will give way to him again a little later.

Mr. Gerald Howarth: I am extremely grateful to the Minister for his courtesy in giving way. He will be aware that the real issue of concern to the British people is the extent to which the treaty transfers further powers to the European Union. May I put it to him that, given those concerns, the Government would be well advised to accept the amendment tabled by my right hon. Friend the Leader of the Opposition, in which he suggests that there should be specific discussion of

"the role and legal status of the EU institutions, including legal personality?"

That goes to the heart of the case that has been made on the continent for a united states of Europe, which the Minister will accept ought to be the subject for specific debate in the House.

Mr. Murphy: Again, I hope I can reassure the hon. Gentleman on that point. We are simply taking a different approach in seeking the most effective way to scrutinise issues related to the institutional debate. The Government, in the motion, have adopted an approach that focuses on themed debates, and have taken a different perspective from Opposition spokesmen. With your agreement, Mr. Speaker, we expect the debates on the environment, climate and development to allow ample opportunity for debate about the European structures relevant to those themed policy debates. That is reflected in some of the amendments that have been tabled, and the same applies to the single market and human rights and issues such as co-decisions and moves towards qualified majority voting. All those important EU institutional issues can be captured within the debate about European structures. I hope that that reassures the hon. Gentleman.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab) *rose—*

Mr. Kenneth Clarke (Rushcliffe) (Con): *rose—*

Angus Robertson (Moray) (SNP) *rose—*

Mr. Murphy: I will give way to my hon. Friend first, then to the right hon. and learned Gentleman for the second time today, and then to the hon. Member for Moray (Angus Robertson) for the first time. With your indulgence, Mr. Speaker, I will then make some progress.

Ms Gisela Stuart: Will the Minister help me, because he said earlier that there would be a vote on whether there should be a referendum or not when we debate clause 8 of the European Union (Amendment) Bill? According to his schedule, we would debate that on day 11. Is my understanding correct?

Mr. Murphy: Yes.

Mr. Kenneth Clarke: I am grateful to the Minister for giving way a second time, and I shall try to exercise restraint, because I am waiting to hear his arguments. My right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) has touched on the main point: the Government propose that a great deal of time should be spent on general debates and that one and a half hours should be spent on specific amendments, which is a radical change to the way in which we normally conduct a Committee of the whole House. We have lots of general debate on Europe, and if one allows four hours in which any comment on Europe or climate change is in order, the debate will go all over the place. We will then consider specific amendments, when we can address the detail. Just one and a half hours will be devoted to all the amendments on a subject, and most amendments will not be debated or voted on—I suspect that that will simply set off the upper House, which will debate them all over again. The Minister is having difficulty in moving on to his main argument, because

[Mr. Kenneth Clarke]

he is finding it difficult to persuade us why we cannot have debates on amendments and why general topics chosen by the Government must take up the lion's share of the time.

Mr. Murphy: As I have said, I will address the point raised by the right hon. and learned Gentleman a little later. As we have said, this is a different approach to the scrutiny of a European treaty and the consideration of a European treaty Bill. This is the most effective way to scrutinise the Bill and the treaty, and I will reflect on how the new approach will work in practice later. The Government think that four and a half hours of open debate on themes and one and a half hours of debate on specific amendments is the right mix. Opposition Front Benchers have reached a different view, but according to a similar principle—they have suggested three hours of open debate and three hours for consideration in Committee.

Given the way in which the right hon. and learned Member for Rushcliffe (Mr. Clarke) framed his question, I shall also respond to the point raised earlier by the right hon. Member for Wells. In principle, the new approach commands a degree of cross-party support, and we will be flexible and judge whether, given that this is an innovation, the allocation of four and a half hours and one and a half hours respectively is the right mix. We will seek to do that as the process evolves, and I hope to add more detail when I formally move the programme motion—all I have done so far is move this motion.

Angus Robertson: The Minister has been generous in outlining when certain subjects not listed in the Government's timetable motion should be debated. He knows that my party, the Scottish Government and I have long-standing problems on enshrining fisheries as an exclusive competence of the European Union, which does not appear in the timetable. Does he agree that there is at least the possibility of raising the issue of fisheries as an exclusive competence in the debate on day 7, which concerns

"the effectiveness of the EU institutions and EU decision-making"?

Mr. Murphy: The hon. Gentleman and I regularly cross swords, but we can make common cause on that point. I confirm that in the Government's view—it is, of course, for you to rule, Mr. Speaker—the themed debate on day 7 is the most appropriate opportunity to debate the EU institutional framework around fishing policy.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): The Minister is inverting our normal parliamentary procedures. Our way of scrutinising legislation in Committee is to go through the amendments, which are normally tabled by the Opposition in response to a proposal, one by one and then to consider clause stand part. That is the traditional way. Amendments to the text will allow us to get to the nitty-gritty of what the business is about. The new approach is flummery and a ruse, and it destroys the basis for the credibility that the Government are seeking in introducing this wretched treaty.

Mr. Murphy: I simply do not agree with the hon. Gentleman; I shall outline the case in just a moment. I shall give way to my hon. Friend the Member for Hemsworth (Jon Trickett) and then to the hon. Member for Stone. After that, I shall make progress.

Jon Trickett (Hemsworth) (Lab): It is no use the Minister praying in aid the support of those on the Opposition Front Bench for the novel procedure of having a generic debate first. He is not carrying many people from either side of the House in respect of the new procedure. It seems clear to me that the generic debates will be dominated by the Executive, as they will determine what will be debated, and then by those on the Opposition Front Bench. That will be at the expense of the rest of us—who want a proper debate, on amendments, driven by Members from both sides who wish to scrutinise the detail of the treaty and the Bill. The Minister is failing to carry us. He needs to offer a more convincing argument than his assertion that those on the Opposition Front Bench agree with him on the principle.

Mr. Murphy: I accept my hon. Friend's point—I have not yet convinced him, but I have not yet managed to make my case. Although I know that my hon. Friend holds the Prime Minister's words in great affection, I accept that the quote in itself will not move him to agree with me. However, I hope to make my case.

Bob Spink (Castle Point) (Con) *rose*—

Mr. Cash *rose*—

Mr. Murphy: I shall give way, for the final two occasions, to the hon. Member for Stone and then to the hon. Member for Castle Point (Bob Spink). After that, I shall make progress.

Mr. Cash: Does the Minister agree that my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) is completely right about the importance of the amendments? The reason is simple: the amendments deal with implementation into United Kingdom law, whereas the motions set down deal with the question of policy. The Government have completely failed to understand that, in Committee, the House is not so concerned with the policy as with implementation into UK law. That is the crucial point—will the Minister at least accept that I am right on that?

Mr. Murphy: I do not accept that. The process set out in the motion will give us the opportunity to discuss and scrutinise the treaty and the Bill in detail, whether or not there are amendments.

Bob Spink *rose*—

Mr. Murphy: I shall give way to the hon. Gentleman, but I will then make some progress.

Bob Spink: I am grateful to the gracious Minister. In the light of what he said about flexibility between the generic debate and the specific debate on amendments, will he at least give us an undertaking now that he will come to an agreement with those on the Opposition Front Bench to limit Front-Bench contributions in the generic debate, so that the Government are not seen to be over-dominating those debates?

Mr. Murphy: That is a reasonable point, although I think that the hon. Gentleman would accept that the difficulty now is that I am a quarter of the way through the first page of my brief and we are already half an hour into the debate. However, the general sense of his point is fair; it is important that we have the right mix of Front-Bench and Back-Bench contributions. That is for the usual channels to bear in mind as they formalise the debate for each themed day.

Sir Patrick Cormack *rose—*

Mr. Murphy: I shall make some progress. I will give way to the hon. Gentleman a little later.

Sir Patrick Cormack: On a point of order, Mr. Deputy Speaker.

Mr. Murphy: To avoid a point of order, I shall give way to the hon. Gentleman.

Sir Patrick Cormack: I was going to make this point: if the Minister has 12 pages left, would it not be better for him to sit down and have a longer winding-up speech? In that way, he could respond to the points made in the debate. Is that not a rather constructive suggestion?

Mr. Murphy: I am sure that my fellow Minister, my hon. Friend the Member for Pontypridd (Dr. Howells), would enjoy that opportunity, but I have to deny him it; I am going to work my way through these pages and set out the Government's case. I shall try to do so now. Although I will, of course, take further interventions, I want to make at least a little progress beyond page 1.

Before you joined us, Mr. Deputy Speaker, I had just concluded the introductory quote from the Prime Minister in his post-European Council statement on 17 December—*[Interruption.]* My hon. Friends can read it in *Hansard* tomorrow to aid their memories.

On 17 December last year, the Government introduced the European Union (Amendment) Bill to give effect to the treaty of Lisbon in UK law, and the House will recall that the Bill received its Second Reading on 21 January this year, with a majority of 138. The Bill contains the essential elements to give effect to the Lisbon treaty in the UK and to give effect to the commitments that the Prime Minister has given to this House. In his post-European Council statement on 22 October, the Prime Minister made it clear that the Government would, first, oppose further institutional change over the lifetime of this Parliament and the next, and, secondly, provide for parliamentary control over future use of any amending provisions that would alter the constitutional balance between the UK and the EU. The Bill does that.

As for the specific motion before us, I wish to make some comments on the nature of the structured debate that is proposed, reflect on previous Committee provisions, offer some comment on the length of time that the Government consider to be appropriate in Committee, and identify the specific themes that the Government intend to—

Mr. Mark Harper (Forest of Dean) (Con): I want to draw the Minister back to something that he said earlier. When he was questioned on the time split, he seemed to say that we would see how things went. Is he therefore suggesting that the Government will take a view during the debate, and if they decide that the time balance is unsatisfactory, they may return to the House with a revised motion to vary the way that the debate is progressing to reflect better the mood of the House?

Mr. Murphy: I will deal with those points a little later, because I intend to make some comments that will perhaps reassure the hon. Gentleman.

Let me turn to the need for a structured consideration of the Bill. The approach that we set out in the business motion ensures that we have a structured debate around the key themes of the Lisbon treaty and enough time to debate the relevant amendments. The Government are clear that the best way to achieve that is through structured consideration in Committee, with debates organised around those themes. As the House knows, Bills implementing amending treaties are short, and in the past Members have had to be ingenious to construct selectable amendments to enable debate on a given treaty. As a result, the structure of debates has often been confusing. In this business motion, we aim to guarantee that Parliament can scrutinise the Lisbon treaty. The bulk of the treaty will be incorporated into UK law through clause 2. The motion enables Members to debate the benefits of the Lisbon treaty for the UK and the international community through a series of themed debates on substantive motions. The House will, in addition, have plenty of time to consider amendments, following the usual procedures for Committee of the whole House. A clear structure of that type also means that we have sufficient time allocated to discuss the key issues and general principles as well as detailed questions.

The Government tabled this motion last week to ensure that those inside and outside the House have a clear timetable that sets out when important issues relating to the treaty will be considered in the Committee. That can only be a further improvement to the way in which we scrutinise the treaty.

Mrs. Dunwoody: In that case, could my hon. Friend answer this simple question: who decided which important subjects that are affected by the treaty should be left out of the discussion?

Mr. Murphy: The Government have framed the themed debates in the broadest possible terms. In respect of transport, as I have already said to my hon. Friend, there will an opportunity, with the indulgence of the Speaker and Deputy Speakers, to discuss those matters in the debate on the single market, climate change and energy. She will also know that there is an opportunity on days 9, 10 and 11 to discuss wider specific amendments to the Bill.

Mrs. Dunwoody: On a point of order, Mr. Deputy Speaker. You will be aware that the provisional timetable for the European Union (Amendment) Bill has been circulated by the Chief Whip—I assume that that has also happened on the Opposition Benches—and it is clear that the debate on 30 January is specifically on energy. May I ask you to say, from the Chair, whether it would be in order for me to make a detailed speech about all the aspects of transport affected if the subject for debate is energy?

Mr. Deputy Speaker (Sir Alan Haselhurst): I am not sure that I can give an entirely definitive reply to the hon. Lady. It will depend very much on how the debate goes. She acknowledged that this is a particular procedure that has been devised, and the Chair will obviously be bound by it.

Mr. Murphy: In drafting the motion, we also looked with great care at the provisions for previous Committees. There are lessons to be learned, to which I have already alluded, from previous EU debates on the timing and structure of parliamentary scrutiny. Committee proceedings lasted four days on the Single European Act, five days on the treaty of Amsterdam and just three days on the treaty of Nice. Of course, with great hesitation I refer to the organisational debacle that was the Maastricht treaty process, which lasted for 23 separate days. An analysis of previous debates also shows that the majority of hon. Members throughout the House consider the Committee debates, with the Chamber being the property of a few lonely souls, as something to be avoided.

I turn now to the length of time in the motion and the effect of it.

Mr. Jenkin: On a point of order, Mr. Deputy Speaker. When there is a Committee of the whole House, is it correct to say that the House is the property of a few lonely souls? No group of Members can take control of the House of Commons in Committee because it is by definition open to all Members.

Mr. Deputy Speaker: The hon. Gentleman must know that the propensity of hon. Members to attend the Chamber for a Committee of the whole House will depend upon their intensity of feeling on the subject.

Sir Patrick Cormack: On a point of order, Mr. Deputy Speaker. With great respect, Sir, that will depend also on what we are allowed to debate. In response to the point of order raised by the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), you gave an extremely honest answer, but you said you could not guarantee that transport could be debated when energy is the subject of the debate. This afternoon, two prominent Labour Members have asked for debates on transport; it is a crucial issue that affects us all. If you cannot guarantee that a subject can be debated, Sir, can you not tell the Government to go away and think again?

Mr. Deputy Speaker: The occupant of the Chair might often be tempted in that direction by hon. Members, but the hon. Gentleman will know that that is not possible. The matters that can be debated by the House in Committee will depend on the amendments that are put down. If they are in order, it will be possible for them to be debated. I do not think that I can go further than that at this stage.

Sir Nicholas Winterton (Macclesfield) (Con): On a point of order, Mr. Deputy Speaker. Are you not the custodian and guardian of the Back-Bench interest in this House? I personally believe that you are. I strongly oppose the procedure that the Government are seeking to force upon us, and the time that they are allowing for debate in Committee is so limited that it will not enable those who are deeply interested to come back for a second time, which is what would typically be the case in a Bill Committee, either on the floor of this House or otherwise.

Mr. Deputy Speaker: That is not strictly a point of order for the Chair because the motion before the House sets down a procedure, and an amendment to that procedure has been tabled. Those are the confines of the debate, and it is clear already that there is more than one point of view in this House about the way in which this matter should be decided. That is the matter for substantive debate at present, and it is not a matter of order for the Chair.

Simon Hughes: On a point of order, Mr. Deputy Speaker. Could you help the House? If we agree to this motion, it will govern the Committee proceedings. Can you tell us what restrictions there will be on debating matters on Report that will have been covered, in part or more extensively, through amendments in Committee on the Floor of the House?

Mr. Deputy Speaker: As I understand it, all stages of the Bill are governed by the motion before the House.

Mr. Murphy: My earlier point about lonely souls, which instigated the first in the latest points of order, was simply a reflection that any objective reading of the history of the Maastricht treaty would show that Members from both sides of the House were coming into the Chamber with flasks and sandwiches to sustain them through an evening's debate.

Mr. Jenkin: On a point of order, Mr. Deputy Speaker. It would be out of order to come into this Chamber with a flask and sandwiches. Will you instruct the Minister on the procedures of this House, which he does not appear to understand?

Mr. Deputy Speaker: I think that for any such thing to happen, it would have to be discussed first and a recommendation would have to be made by the Modernisation Committee.

Mr. Kenneth Clarke *rose—*

Mr. Deputy Speaker: Order. Unless the right hon. and learned Gentleman is raising a point of order, we are back to the substance of the debate. I call Mr. Murphy who may, in turn, cede to the right hon. and learned Gentleman.

Mr. Murphy: I happily give way to the right hon. and learned Gentleman.

Mr. Clarke: The Minister had already given way.

Mr. Deputy Speaker: Order. Things are moving so fast.

Mr. Clarke: The Minister has so far not made an argument in favour of his new procedure. He has merely asserted what it is. He has gone on to say that it is what it is because of what he has been told were the deficiencies in previous Committees. I was involved in all four of the treaties that he described, and I do not recognise what he is saying. The Single European Act

and the Amsterdam and Nice treaties were comparatively non-controversial and were therefore taken in quite a short time.

Maastricht is the best comparison with this treaty. I took part in the Maastricht debates as a Minister, and the Minister's description of the problem is a complete transformation of history. The problem for the Government was that the House, as a whole, would not allow us to waive the 10 o'clock rule. We could bring debates to an end only when we could get a closure, which was rarely. Only when everyone had spoken themselves into exhaustion could we get a timetable at all. That was inconvenient for the Government, which I suspect is what has weighed most heavily on the Minister's mind. It meant that the subject matter was chosen by the Members of the House, who argued about it for as long as they decided. We moved on from subject to subject as the House allowed us. The votes were all the difficult ones on amendments—

Mr. Deputy Speaker: Order. The right hon. and learned Gentleman is now making a speech. He has probably put his point across.

Mr. Murphy: I look forward to having the opportunity to listen to the right hon. and learned Gentleman make the rest of that speech a little later in our proceedings.

Let me return to the points that I was making about detailed scrutiny. The proposal in the motion before us will allow 36 hours of detailed amendments and scrutiny. That compares with 18 hours on the Nice treaty, 12 hours on Amsterdam and 15 to 18 hours on the Single European Act. It compares favourably with previous motions.

Several hon. Members *rose—*

Mr. Murphy: I shall make some progress on the subject of the length of time available and the effect of the motion, and shall then come back to hon. Members.

As I said earlier, the number of days that we have set aside for the scrutiny of the treaty and the Bill are the same as the total number of days spent on the Single European Act and the Nice and Amsterdam treaties. The substance of the motion is in the table that has been provided to the House. Paragraphs (1) to (6) of the motion include definitions and apply or disapply various Standing Orders.

I shall now turn briefly to the subject of the table and make some technical remarks.

Mr. Peter Bone (Wellingborough) (Con): Will the Minister explain why Standing Order No. 24 is being disapplied? Standing Order No. 24 permits an emergency debate. It is extremely difficult to get it to the Floor of the House, but the whole point of an emergency debate is that it must be taken there and then.

Mr. Murphy: The purpose of setting aside proceedings under Standing Order No. 24 is to protect the time available to the House for the scrutiny of the Bill and discussion of the treaty. The Government's intention, shown in the motion, is to protect timetabled scrutiny of the Bill. It is the type of thing that the hon. Gentleman ought to welcome, and I think that he has slightly misunderstood the point.

Paragraph (2) states that the proceedings on an allotted day will be taken in accordance with the table. Paragraph (3) applies existing procedures for programme motions and paragraph (4) protects the proceedings in respect of Standing Order No. 24. Paragraph (5) disapplies the rule on anticipation and will allow the House to consider the substantive motions that the Government table for each themed debate. Paragraph (6) provides a mechanism for the motion to be amended or supplemented at some later stage in our proceedings. That deals with some of the points that hon. Members have made. An amendment can be taken at the start of an allotted day as long as the total time available to the House is not reduced.

Mr. Jenkin: The Minister makes a mistake in saying that suspending Standing Order No. 24 will protect the scrutiny of the Bill according to the timetable. Nowhere does the motion state that the 10 o'clock rule, the 7 o'clock rule or the 6 o'clock rule will override the motion. On the contrary, if I am right, the motion will override any Standing Order that would normally limit debate. A Standing Order debate would therefore merely be held before the European debate for that day. I may be wrong, but I believe that the Minister has made a mistake.

Mr. Murphy: That is not the case. The moment of interruption can be extended—that deals with the hon. Gentleman's reasonable concerns and I hope that it reassures him. A supplementary business motion amending the table can be taken under paragraph (6). It can be taken forthwith, if it does not reduce the overall time available to the House, and it can be tabled as late as the night before the relevant allotted day.

We all acknowledge that the process for scrutinising the Bill is new, although Front Benchers accept it in principle. We wish to signal that we will be flexible and try to get the balance exactly right between a session of four and a half hours and one of one and a half hours, and two sessions of three hours. As we balance the interest in the themed debates with the weight and relevance of the various amendments, the division could occasionally be between three hours and three hours. At this stage, our early assessment is that the four and a half and one and a half hour split is the correct way to proceed.

Rob Marris (Wolverhampton, South-West) (Lab): I am grateful to my hon. Friend for his generosity in giving way. I am sure he knows that, under the new procedure for Public Bill Committees, formerly Standing Committees, a generic debate can happen at the beginning of the sitting. I have had the pleasure of serving on two Public Bill Committees—that on the Sale of Student Loans Bill and that on the National Insurance Contributions Bill—which took advantage of that, whereas the Committee that considered the Finance Bill last year did not. Evidence can be taken and members of the Committee can hold a generic discussion. In my estimation, following that route shortened the time that was taken overall in the Committees on which I had the pleasure of serving. I salute the Government for trying to replicate it in the Committee of the whole House.

[Rob Marris]

However, I urge my hon. Friend to keep the split under review because there may be too much in the in the first half and not enough in the second. The general approach of a generic discussion is eminently sensible and may shorten proceedings on the Floor of the House.

Mr. Murphy: I share my hon. Friend's assessment. He underlines the importance of my point, which is that we intend to be as flexible as is feasible to ensure that debate is balanced between the Bill, the treaty, the themes and specific amendments and that the temperature and wishes of the House are respected.

Mr. Bone: I am grateful to the Minister for giving way again. I know that he is a reasonable chap. The purpose of Standing Order No. 24 is that an emergency debate must be held then and there. It cannot be put off for 10 hours until after the European debate. Why has the Minister switched things around so that an emergency debate would have to be held after the European debate?

Mr. Murphy: What we are seeking to do is protect the time available to the House to scrutinise the treaty and the Bill. I know that the hon. Gentleman raises his point out of genuine concern for the organisation of the business of the House, but it is not an observation shared by all his colleagues.

Mr. Shepherd *rose—*

Mr. Murphy: It is always dangerous to pray the hon. Gentleman in aid, but I am happy to do so on this occasion.

Mr. Shepherd: Usually, the following day is when the provision comes into effect, but the point remains: if there were a nuclear incident that threatened the principal cities of this country, that would clearly meet all the criteria for an emergency debate. In fact, the Government might insist that that debate be held here on that day, if it is not initiated by a member of the Opposition. That is the point of an emergency debate. Delaying an emergency debate until the first business on the following day shows that it has precedence over the business that the Government are so insistent on protecting, because Standing Order No. 24 is conceived for something of immediacy and great peril or something that meets the other criteria, and it should not be set aside by the motion.

Mr. Murphy: What we have said in the motion is that we will approach the issue in a flexible way that ensures not only the right balance between amendments and discussion on themes, but that the motion can be revisited on a daily basis. On Standing Order No. 24, the fact is that the House, through you, Mr. Deputy Speaker—*[Interruption.]* The House will be able to consider how to order its business on a daily basis. If we had not sought to protect the timing and the business of the House in the appropriate way, I assume that the House would have taken a dim view of our not including the relevant paragraph in the motion.

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): May I encourage the Minister not to be too stubborn on this point? The point about an emergency debate is that it is, in the House's and Mr. Speaker's judgment, on an emergency. Although we are all anxious to protect time for European business, it is not necessarily any more important than any of the other business that the House considers. The only question is not how long there should be for European business, but whether it should come after an emergency debate that has been approved. The Minister would reassure the House if he showed a little more flexibility now, rather than at an unknown future date, on a point that does not go to the heart of the Government's strategy.

Mr. Murphy: I have sought on three or four occasions to emphasise how flexible we wish to be on all such issues. I agree with the right hon. and learned Gentleman, who is a former Foreign Secretary, that we would, with your agreement, Mr. Deputy Speaker, and with Mr. Speaker's indulgence, enable that degree of flexibility whenever and wherever possible, either in the House's interest or the national interest.

Several hon. Members *rose—*

Mr. Murphy: I will give way first to the hon. Member for Forest of Dean (Mr. Harper).

Mr. Harper: On a point of order, Mr. Deputy Speaker. Could you explain for the benefit of the House whether if the motion deciding how a debate under Standing Order No. 24 should take place were passed, it would be within the power of the Chair to allow that debate to take place before consideration of the Bill or afterwards, or would you have been given very clear instructions by the House?

Mr. Deputy Speaker: No, the Chair would not have that flexibility if the House had decided in favour of the motion on the Order Paper.

Mr. Murphy: The House would have the opportunity, with your agreement, Mr. Deputy Speaker, and Mr. Speaker's agreement, to curtail deliberations at the point of emergency, if it so wished.

Rob Marris: On a point of order, Mr. Deputy Speaker. Am I right, Sir, in thinking that Standing Order No. 24 is entitled "General debates" and that rule (2)(b) says that, following a vote by the House to have a general debate,

"the Speaker shall announce either…the length of the debate and the time at which it is to be held"

and so on? Is that not the wording of Standing Order No. 24?

Mr. Deputy Speaker: The fact of the matter is that the situation will be governed by the motion before the House, if the House approves it. That alters the situation, and that is the case that the Minister is arguing.

Mr. Murphy *rose—*

Sir Patrick Cormack: On a point of order, Mr. Deputy Speaker. You have just given an extremely clear ruling. Does this not amount to the fact that, if the House

approves the motion before us today, we shall be putting ourselves into a straitjacket from which there is no release?

Mr. Deputy Speaker: It is difficult for the Chair to interpret some of the nuances of the debate here, but the fact is that I have given a clear ruling on the meaning of the motion. As far as I can see, however, there is nothing to prevent another variation motion being put forward if the circumstances demanded it.

Mr. Cash: On a point of order, Mr. Deputy Speaker—

Mr. Deputy Speaker: On that same point of order?

Mr. Cash: Very much so, Mr. Deputy Speaker. In an earlier point of order, I raised the question of the implementation of United Kingdom law. On the basis of what has just emerged from these exchanges, I understand that we are now being restricted to having four and a half hours' debate on policy and only one and a half hours on the implementation of law. I hope you will agree that that is an inappropriate use of the manner in which programme motions are arrived at.

Mr. Deputy Speaker: I have to say to the hon. Gentleman that that did not follow sequentially from the previous point of order. Nor was it a point of order; he was getting to the very substance of the debate that we are trying to progress.

Mr. Gummer: Further to an earlier point of order, which was a point of order, may I just make sure that I have got this right? Am I right in saying that, if the House passes this motion, it places itself at the mercy of the Government as to whether an amending motion may be proposed? Would that be true not only of this motion but, should the Government deem it reasonable to do so, to changing the periods of time allowed for general debates and for amendments? Should we not therefore say to the Minister that, in order to carry through his desire to be flexible, he would need to give us something more than a general promise to be kind?

Mr. Deputy Speaker: The answer to the first part of the right hon. Gentleman's question—which was a point of order—is yes. In the second part, however, he veered into the substance of the debate, which is not a matter on which I can rule.

Mr. Harper: Further to that point of order, Mr. Deputy Speaker. On the point about a Standing Order No. 24 debate, would not passing this motion result in a significant change? At the moment, the decision whether to have such a debate is in the hands of Mr. Speaker and Members of the House. If this motion is passed, we shall have to rely on the Government to introduce another motion to enable such a debate to take place. That is quite a significant change, which is why the Minister should rethink this motion.

Mr. Deputy Speaker: The Standing Order would still apply, but there would be a question as to the timing of any such debate. That is the distinction.

Mr. Heathcoat-Amory: Further to that point of order, Mr. Deputy Speaker. That is a very helpful ruling, but surely the decision on timing would be taken away from Mr. Speaker and given to the Government, because only they would be able to introduce a motion to override and contradict the motion before the House today. The discretion over timing that resides solely with the Speaker would therefore be removed. The Minister's desire to be flexible would depend entirely on the wishes of the Government at the time, and not on Mr. Speaker. Is not that a severe erosion of Mr. Speaker's discretion and powers? I suggest that the House adjourn and come back to the matter after further discussions with Mr. Speaker.

Mr. Deputy Speaker: The answer to the first part of the right hon. Gentleman's point of order is yes. In the latter part of his question, however, he was debating the substance of the motion that is before the House. If the House disagrees with the motion, it can of course decide not to accept it. The right hon. Gentleman and one or two of his colleagues are now talking about what is at issue in the debate. We still have several hours left in which to pursue these matters.

Sir Nicholas Winterton: Further to that point of order, Mr. Deputy Speaker. In response to an earlier point of order, you made reference to the Modernisation Committee of this House, which considers changes to Standing Orders. You indicated—

Sir Patrick Cormack: Flasks and sandwiches.

Sir Nicholas Winterton: I am not worried about the sandwiches.

Mr. Deputy Speaker, you indicated that this was a matter for the Modernisation Committee. As I happen to be the senior Opposition Member on that Committee, let me put this question. If the Government wish to change Standing Orders or their interpretation, should they not, prior to putting a motion to do so before the House, actually refer it to such a Committee of this House? In fact, the House's integrity and independence, to which Standing Orders make an important contribution, is being affected by the Government business motion. It is an abuse of this House.

Mr. Deputy Speaker: My earlier invocation of the Modernisation Committee was essentially related to flasks and sandwiches. What the hon. Gentleman is arguing now is not a matter for the Chair; it is a matter for substantial debate by the House. That debate is specific in its terms so it is now for hon. Members to devote themselves to discussing the merits or demerits of the motion. I am anxious not to find myself in a position where the Minister's contribution to the debate take second place to mine.

Mr. Murphy: Thank you, Mr. Deputy Speaker. *[Interruption.]* Before I make any further progress, I want to give way to my hon. Friend the Member for Midlothian (Mr. Hamilton).

Mr. David Hamilton (Midlothian) (Lab): I believe that my hon. Friend is being far too flexible, which is half the problem we have at the moment. Let me suggest that he get past page 3 so we can actually start debating what is going to happen—*[Interruption.]*

Several hon. Members *rose*—

Mr. Murphy: I would like to make a little more progress, if hon. Members will allow me. They might like to look again at the detail of the table appended to the business motion, which refers to the latest time for conclusion, meaning that, if it so wishes and if there is a degree of co-operation, the House can conclude any of its deliberations much earlier. That applies to issues raised in the House or elsewhere. The time allocated is the latest time for conclusion, which is the most important point I would like to make about the table attached to the motion.

Mrs. Dunwoody: On a point of order, Mr. Deputy Speaker. I have been listening carefully and thinking about your rulings, which I fully understand. However, I would be grateful for your guidance. If I wished to order the suspension of the business of the House under Standing Order No. 24 while we are debating the other subject and if it had already been changed by provisions on the Order Paper, could I still do so? Will you also tell us whether such a motion as this has even been seen before in the House of Commons or ever used for any similar debate?

Mr. Deputy Speaker: I can respond to the hon. Lady's two points. First, as I understand it, the terms of the motion simply alter the timing of any Standing Order No. 24 debate, but the application of it is a separate matter. It is simply that the timing of any debate granted by Mr. Speaker would be affected by the motion. Will the hon. Lady remind me of her second question?

Mrs. Dunwoody: I am enormously grateful to you, Mr. Deputy Speaker, as this is an important matter. Will you please be kind enough to tell us whether you know of any other occasion on which this device has been used?

Mr. Deputy Speaker: I think the answer to that is no. I hesitate in front of such a learned assembly to make an absolute definitive statement that such a device has never been used on any occasion. As far as I can best recall, however, I do not believe that a motion in these exact terms has been put before the House previously.

Mr. Gummer: Further to that point of order, Mr. Deputy Speaker. I would like to bring you back to the first of the points put by the hon. Member for Crewe and Nantwich (Mrs. Dunwoody). Could any Member stand up and propose a motion to negative this timing arrangement and reinstate the normal timing arrangement or would it have to be the Minister who did so, given that he made the original arrangements? Could we achieve that as individual Members if we could get a majority to support us?

Mr. Deputy Speaker: The right hon. Gentleman is not the first Member to seek to draw the Chair into the substance of the debate. I suggest to him that that is the direction in which this process is moving. I can give only certain rulings. I have tried to help the House by making clear what I see as the distinction between the rights of the House under Standing Order No. 24 and how they might be affected by the motion. I suggest that it is up to the right hon. Gentleman to pursue the Minister on this matter. It is the Minister who must reply, because this is the motion that he is commending to the House.

Mr. Cash: On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: I hope that it is in order—I know the hon. Gentleman.

Mr. Cash: I am well aware of you too, Mr. Deputy Speaker. I shall be certain to stay in order. Page 9 of "Erskine May" is relevant to the point made by the hon. Member for Crewe and Nantwich (Mrs. Dunwoody). It says of programme orders:

> "Though such orders are usually more all-enveloping than guillotines... and they remain a controversial innovation, their details may often be settled with more agreement than guillotines enjoyed."

Would you rule, Mr. Deputy Speaker, that this is indeed not only an innovation but is extremely controversial—more controversial than the arrangement that we had before?

Mr. Deputy Speaker: I think that my premonition was right. That is a question for the Minister to answer.

Mr. Murphy: Thank you for your wise words and guidance, Mr. Deputy Speaker.

Let me return to the debate, and perhaps make some progress. The House will be delighted to know that there are only two more—

Mr. Harper: Will the Minister give way?

Mr. Murphy: I am going to make some progress.

The table sets out the proceedings on each day. For the first eight days, we will start with substantive motions relating to each of the themes. The Government also thought it important to provide for the substantive motions to be amendable. Following a themed debate, the House will consider amendments relating to that theme. Once it has completed the themed debates, the remaining Committee days will follow the usual procedures for a Committee of the whole House.

The themed debates will cover the key areas of the Lisbon treaty. Rather than being abstract debates, they will be grouped under recognisable headings covering the necessary component parts of the treaty, but also putting them in the context of the Government's objectives and wider European Union enlargement. The themes contained in the table and the motion are justice and home affairs, energy, human rights, the single market, common foreign and security policy, international development, EU institutions and decision making, and climate change.

Mr. Heathcoat-Amory: The Minister mentioned energy. There is only one new article on energy in the treaty, which the Government opposed on the correct ground that there are powers in the existing treaties to liberalise the energy market. Why is this much-compressed timetable to include a whole day of debate on energy, and no debate on provisions relating to the powers of national Parliaments, which go to the root of the relationship between the House of Commons and the European Union? Is this not a further illustration of the fact that

the whole timetable motion is more about the Government's policy objectives than about the legal powers of the House and the country, which are what we should be debating?

Mr. Murphy: Not at all. I think that the right hon. Gentleman will seek to remove that EU competence on energy as we go through the process, and I look forward to debating the amendment in question. However, a co-ordinated European approach to energy is of vital national importance to the United Kingdom, not least in the light of the challenge in Russia, energy supply and diversity of routes to market. The policy arises from the Hampton Court agenda on liberalisation of the energy market. It is in our interest in the context of strategic safety and security of routes to market, diversity of supply and renewables.

We make no apology for proposing a full day's debate on energy. I think that Conservative Front Benchers have also proposed a full day's debate, which suggests a strong acceptance of the importance of energy policy across the European Union.

Mr. Jenkin *rose—*

Mr. Murphy: I will make some progress.

The allocation and division of subjects has been carefully considered to ensure sufficient time to debate all the key issues. We have, for example, singled out human rights, for which we have set aside a whole day in a self-standing sitting that will cover provisions on the charter of fundamental rights. There will also be a full sitting to consider the institutional provisions. It is also worth clarifying that, although the bulk of the treaty—the themes I have just mentioned—will fall to be considered under clause 2, other themes will, of course, fall under subsequent clauses.

Jon Trickett: The charter lies at the core of my concerns about the treaty. Will the Minister undertake to look carefully again at the timetable that has been outlined on the day devoted to human rights, in order to give a proper debate on the charter and particularly chapter IV on solidarity, which the Government appear to want to avoid at all costs?

Mr. Murphy: I have already given an assurance, which I hope reassures my hon. Friend, that we intend to be flexible about the timing and balance of themed debates and discussions of specific amendments. I also hope that I will be able to reassure my hon. Friend about the nature of the charter of fundamental rights and the fact that it applies fully in the UK—that the charter records rather than creates new rights, and that the protocol does not equal an opt-out from it in any sense whatever.

Colin Burgon (Elmet) (Lab): I am rapidly advancing in age so perhaps I miss things now and again, but will the Minister reassure me that there is no opt-out protocol for this country and Poland from the provisions in chapter IV on solidarity?

Mr. Murphy: We have made it clear that we do not have an opt-out from the charter of fundamental rights. What we have negotiated is legally binding in protocol and it is within the competence of the European Court of Justice or any domestic court to strike down any UK law. The charter of fundamental rights will apply in every EU nation—all 27 member states—but I look forward to discussing this issue in great detail with my hon. Friends over the next few weeks.

Mr. James Clappison (Hertsmere) (Con): The Minister did not respond to the point of my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) about when we will have time to debate the powers of this House in relation to Europe under the changes in the treaty. The Government's statement on the reform treaty contains no section on energy, but there is a long section on the role of Parliaments in which we are told that national Parliaments will be given a direct say in the EU's law-making procedures for the first time. As matters stand, we are not even given a say in our own law-making procedures. Under this timetable motion, when will there be an opportunity to debate the position of this House?

Mr. Murphy: There is an opportunity to discuss that during the full-day debate on institutions. There will also be an opportunity in open day debates, which are not themed, on clauses 3 to 7 to have detailed discussions of every amendment that meets the approval of the Speaker and is brought before the House.

The Government have listened to requests for time to discuss a referendum on the Lisbon treaty. I am happy to confirm that there will be time to debate, and vote on, that; there will be a hook to do so under consideration of clause 8.

Mr. Jenkin: Supposing we reach the debate on the referendum, we know that under the timetable motion Mr. Speaker will not be able to grant an emergency debate on that day, but will there be anything to prevent the Government from making a statement?

Mr. Murphy: I have already given a detailed response to that. We are seeking to protect the time available to the House by allowing an extension beyond the moment of interruption. I hope that that reassures the hon. Gentleman.

Mr. Gerald Howarth: My hon. Friend the Member for North Essex (Mr. Jenkin) has made an important point. The Government frequently put on statements to delay and thereby compress a debate on a main subject later in the day. Given that the Minister has tried to reassure us throughout his speech that there will be time for the House to debate these important issues, will he give an assurance on behalf of the Government that there will be no attempt to make statements on matters that are not of the greatest importance to the House? Alternatively, will he be willing to extend the debate beyond the 10 o'clock limit?

Mr. Murphy: I am certain that the hon. Gentleman shares the view that, as was alluded to in an earlier exchange, it is important that, where there is an issue of great national and international importance, the opportunity exists for the Government to make a statement on it—indeed, they have a responsibility to do so. However, I hope that the hon. Gentleman is reassured that time is protected as part of the motion,

[Mr. Jim Murphy]

and that the moment of interruption can indeed be extended. I think that we have struck the correct balance on that point.

Several hon. Members *rose*

Mr. Jenkin: On a point of order, Mr. Deputy Speaker. We have already heard from you, very helpfully and clearly, that this motion prevents Mr. Speaker, in the usual course of business, from allowing an emergency debate under the relevant Standing Orders concerning the correct timing of such a debate. Would that also apply to the timing of a statement, or would it still be completely in the gift of the Government to interrupt vital scrutiny of this Bill with a statement or many statements of their own choosing—whether or not there happens to be an emergency—just because it suits their political agenda to do so?

Mr. Deputy Speaker: Order. As I understand it—I do not want to tread on the Minister's ground—the Government's motion envisages that if there are statements or Mr. Speaker grants an urgent question, the time devoted to consideration of this Bill is protected. That is clear, and I think that the Minister has himself just said that.

Mr. Shepherd: On a point of order, Mr. Deputy Speaker. I am sorry to build on that, and the House agrees entirely with your interpretation. The problem is, however, that the Minister uses conditional language such as "may be". He has to give a commitment to the House that he is prepared to move the 10 o'clock motion, for example, on the day of business in question. Is there a commitment to do that?

Mr. Deputy Speaker: Order. That is not a point of order for the Chair, but a question directly to the Minister, which he may choose to answer.

Mr. Harper: Further to that point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: It was not a point of order, but if the hon. Gentleman has a fresh point of order, I shall call him.

Mr. Harper: On a point of order, Mr. Deputy Speaker. I notice that on allotted days 1 to 8, there is indeed protected time for debate. However, there is no protected time on allotted day 9, and on day 11—the very important day on which we can debate clause 8 and the referendum—reference is made simply to the moment of interruption; there is no protected time period. Am I right in thinking that if, on the day when we will debate the very important issue of a referendum—the most important, in the eyes of many—there were two Government statements and the normal rules of the House were in place, we could have a very compressed debate?

Mr. Deputy Speaker: The hon. Gentleman nearly gave the game away when he tried to pursue the point of order of the hon. Member for Aldridge-Brownhills (Mr. Shepherd). My answer has to be the same—this is something for the Minister to explain to the House if he wishes to gain a majority for his motion.

Mr. Murphy: I have already made it clear on a number of occasions that the Government fully intend, where necessary—because of a statement or matters of that nature—to extend the moment of interruption. The situation is also set out in the table regarding themed days; reference is made to there being four and a half hours after commencement, and one and a half hours after commencement on specific days. It is important to make that point very clearly. This is about protecting a core number of hours each and every day, and I give the House the very clear commitment that the Government intend to protect the opportunity to scrutinise both the Bill and the treaty in great detail. When it is necessary to have a statement—Members on both sides of the House acknowledge that on occasion, such things are important—the timetable is protected.

Mr. Harper: It cannot have escaped the Minister's notice—I am sure that this is deliberate—that on all the other days, there is indeed a fixed period of protected time for this House, except on the day when we will debate clause 8 and the referendum. The Minister might have noticed that that is probably the single most controversial thing that we will talk about. No amount of protected time is allocated for that day, and we are simply relying on the Minister's good nature to protect the time. The House would be much more comfortable if day 10 and, in particular, day 11 had a protected number of hours of business. I should be grateful if the Minister tabled an amendment to that effect.

Mr. Murphy: We have said that we intend to be flexible; there will be an opportunity to table revisions to this timetable each day. The hon. Member for Castle Point (Bob Spink) made an important point about the length of Front-Bench speeches—we have now been debating for an hour and 20 minutes—and the issue raised by the hon. Member for Forest of Dean (Mr. Harper) is also important. We will pay great attention to it, and we will ensure that time is protected for that clause 8 debate on the referendum.

I wish to bring my comments close to a conclusion, because time is slightly against us and we still have to hear from the hon. Member for North Southwark and Bermondsey (Simon Hughes).

Sir Patrick Cormack *rose*—

Mr. Murphy: I shall, however, give way to the hon. Gentleman.

Sir Patrick Cormack: I am grateful to the Minister. Nobody could criticise him for his performance this afternoon—he has tried to give way whenever possible. He has been on his feet, although he has been up and down, for almost an hour and a half, so how can he tell the House with any degree of conviction that an hour and a half, or even four and a half hours, is long enough to debate important constitutional and controversial issues? He has needed his hour and a half. If we were dealing with an allocated time, no Back-Bench speeches would have been made—there would have been no speeches other than the Minister's—and that illustrates what a tight rein the Government are placing on the House.

Mr. Murphy: As I said—about 45 minutes ago—the issue is whether the right balance on themed days is four and a half hours and one and a half hours or, as the Opposition Front-Bench team suggests, three hours and three hours. I have indicated, on nearly a dozen occasions, the Government's intention to be flexible. Where the temperature and will of the House is behind altering the balance, we would be minded to do so. I envisage that, on occasion, where a limited number of amendments or a substantial number of relevant amendments have been tabled, such a change would take place. The three-hour split might, on occasion, be appropriate.

Philip Davies (Shipley) (Con): May I bring the Minister back to the point raised by my hon. Friend the Member for Forest of Dean? The Minister is saying that he intends that the time will be protected for important matters such as debating the referendum, but the Government intended to hold a referendum on this treaty and have backed out of that. I am sure that he will understand that there is a bit of scepticism on the Conservative Benches about these intentions. Please may we have a guarantee that the time will be protected, rather than be given these warm intentions, which this Government have broken time after time?

Mr. Murphy: I think there is more than a good degree of Euroscepticism on the Conservative Benches, rather than just some Euroscepticism.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Will the Minister give way?

Mr. Murphy: On cue. I hope that my hon. Friend's leg has improved since Christmas.

Mr. Davidson: The Minister mentioned Euroscepticism, and I thought I just had to rise to that. He said that he wanted to draw his remarks to a close so that the House could hear from the hon. Member for North Southwark and Bermondsey. May I clarify why it is necessary to do so? I understood that the Liberal party had outsourced its policy making on this issue to the Government and was simply in their pocket on it.

Mr. Murphy: I congratulate my hon. Friend on the typical ingenuity with which he digs at the Lib Dems as only he is able. The hon. Member for North Southwark and Bermondsey, who divided the House a little earlier, will be able to speak for himself, at great length, a little later. I am conscious of the fact that there are only four and a half hours of this debate left in which to allow him to speak, so I shall make some progress.

Several hon. Members *rose—*

Mr. Murphy: I have given way to the hon. Member for Stone and other hon. Members on perhaps a couple of dozen occasions, so I am now going to make some progress.

The Government hope and expect that there will be a chance to debate the policy and issues as comprehensively as possible, drawing in a range of contributions from both sides of the House. There will also be a shorter time allocated afterwards on the technical amendments, which will benefit from the context of the wider discussion during the debate. The Business of the House motion, as I have already said, allows the proportion of time on a given day to be altered. I am happy to give the undertaking that we will consider suggestions put forward today and subsequently about the balance of time allotted, within the parameters set out in the motion.

Mr. Cash: Will the Minister give way on that point? *[Interruption.]*

Mr. Murphy: I am urged not to give way to the hon. Gentleman, but the kinder part of my spirit has taken over and I shall do so.

Mr. Cash: I am grateful to the Minister and I am sure that he will wish to consider my point when reviewing the arrangements. So far, discussion has concentrated on the length of time available for the referendum clause—which is of course vital—but tucked away in the same column are the new clauses. As the Minister will know, I have tabled two new clauses—one on the Bill of Rights, which goes to the heart of proceedings in this House and the importance to be attached to them, and one on the supremacy of Parliament, which is also extremely important. For those to be put into the same category as the referendum would place an enormous time pressure on the debate. I hope that the Minister will review that situation.

Mr. Murphy: As I have already said, we will listen to all reasonable suggestions on such matters. Days 9, 10 and 11 give the opportunity for such debates, and they are not themed.

When we compare the Government's approach to that of other European countries and their parliamentary ratification process—Ireland alone intends to hold a referendum, because of its domestic constitutional requirements—I would put the UK on the top rung, given the quantity of time allowed and the potential quality of the debate that we intend to have. The motion represents a comprehensive, efficient and structured programme for scrutiny of the Bill. It will provide Members and those outside the House with greater clarity on, predictability of and control over the proceedings. I hope that it will ensure that the crucial process is fully mainstream, with participation on both sides of the House and detailed scrutiny of the major themes of the treaty. I commend the motion to the House.

5.32 pm

Mr. William Hague (Richmond, Yorks) (Con): I beg to move, in line 24, leave out from 'TABLE' to end and add—

Allotted Day	*Proceedings*	*Latest time for conclusion*
1	(A) Motion—'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning the following matters: asylum and migration policy.'	3 hours after commencement

[Mr. William Hague]

Allotted Day	*Proceedings*	*Latest time for conclusion*
	(B) Committee on the Bill: any selected amendments to Clause 1 and the Question, That Clause 1 stand part of the Bill; any selected amendments to Clause 2 relating to the matters specified in paragraph (A).	3 hours after commencement
2	(A) Motion–'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning the following matters: fighting cross-border crime; justice; policing and human trafficking.'	3 hours after commencement
	(B) Committee on the Bill–any selected amendments to Clause 2 relating to the matters specified in paragraph (A).	3 hours after commencement
3	(A) Motion–'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning energy.'	3 hours after commencement
	(B) Committee on the Bill–any selected amendments to Clause 2 relating to energy.	3 hours after commencement
4	(A) Motion–'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning the economy, social security and public services.'	3 hours after commencement
	(B) Committee on the Bill–any selected amendments to Clause 2 relating to the economy, social security and public services.	3 hours after commencement
5	(A) Motion–'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning human rights and the Charter of Fundamental Rights.'	3 hours after commencement
	(B) Committee on the Bill–any selected amendments to Clause 2 relating to human rights and the Charter of Fundamental Rights.	3 hours after commencement
6	(A) Motion–'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning the single market.'	3 hours after commencement
	(B) Committee on the Bill–any selected amendments to Clause 2 relating to the single market.	3 hours after commencement
7	(A) Motion–'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning foreign policy.'	3 hours after commencement
	(B) Committee on the Bill–any selected amendments to Clause 2 relating to foreign policy.	3 hours after commencement
8	(A) Motion–'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning security and defence policy.'	3 hours after commencement
	(B) Committee on the Bill–any selected amendments to Clause 2 relating to security and defence policy.	3 hours after commencement
9	(A) Motion–'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning international development.'	3 hours after commencement
	(B) Committee on the Bill–any selected amendments to Clause 2 relating to international development.	3 hours after commencement
10	(A) Motion–'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning the effectiveness of the EU institutions and EU decision-making.'	3 hours after commencement
	(B) Committee on the Bill–any selected amendments to Clause 2 relating to the matters specified in paragraph (A).	3 hours after commencement
11	(A) Motion–'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning the role and legal status of the EU institutions, including legal personality.'	3 hours after commencement
	(B) Committee on the Bill–any selected amendments to Clause 2 relating to the matters specified in paragraph (A).	3 hours after commencement
12	(A) Motion–'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning the distribution of competencies between the EU institutions and Member States.'	3 hours after commencement
	(B) Committee on the Bill–any selected amendments to Clause 2 relating to the matters specified in paragraph (A).	3 hours after commencement
13	(A) Motion–'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning national parliaments.'	3 hours after commencement
	(B) Committee on the Bill–any selected amendments to Clause 2 relating to the matters specified in paragraph (A).	3 hours after commencement

Allotted Day	*Proceedings*	*Latest time for conclusion*
14	(A) Motion 'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning climate change.'	3 hours after commencement
	(B) Committee on the Bill–any selected amendments to Clause 2 relating to climate change, remaining amendments to Clause 2 and the Question, That Clause 2 stand part of the Bill.	3 hours after commencement
15	Committee on the Bill–Clauses 3 to 7.	
16	Committee on the Bill–Clauses 3 to 7, so far as not completed on Allotted Day 15.	The moment of interruption.
17	Committee on the Bill–Clause 8, the Schedule New Clauses and New Schedules.	The moment of interruption.
18	Remaining proceedings on the Bill.	6 hours after commencement.

The Foreign Secretary obviously decided that he would be too busy in Brussels to attend the debate today, and the Minister for Europe will now know why. The Foreign Secretary probably anticipated better than others the difficulty that would arise. Indeed, my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack) just made a valid point. The Minister has taken an hour and a half to respond to valid and legitimate interventions—and not only from Opposition Members—but the same time is meant to be allotted to the consideration of amendments on vast tracts of the Bill. He said that he would be sensitive to the will of the House and flexible on the time, and he should concede—although he will not—that the will of the House as represented by those hon. Members in their places today is that this motion should be withdrawn and replaced with one that shows greater consideration of the wishes of many hon. Members.

Mrs. Dunwoody: Will the right hon. Gentleman give way?

Mr. Hague: I shall give way to the hon. Lady, because I can tell the Minister that unless he allows for her opinion, his life will be a misery for weeks to come.

Mrs. Dunwoody: I do hope that that is right. In view of what the right hon. Gentleman said, is it incorrect that his Front-Bench colleagues agree with the motion on the Order Paper? If not, was he consulted about the use of Standing Order No. 24?

Mr. Hague: We certainly do not agree with the motion, and we will vote against it. We will, of course, vote for our amendment, not because we agree with any of the procedures involved but because we wish to propose an amendment that ought to be acceptable to the Government and that would address many of Members' concerns about the time available for consideration of amendments. We are no fans of the procedure employed in the motion or of the constraints that it sets on debate. We will vote to lift some of those constraints, and we will vote against the motion. I hope that that makes things clear to the hon. Lady.

In his speech, the Minister achieved a remarkable feat, for which I envy him: in a debate on European matters, he achieved complete unanimity between my hon. Friend the Member for Stone (Mr. Cash) and my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke). I have striven for years to bring that about, and it has taken only one and a half hours of procedural shambles from the Government finally to achieve it. For a Minister who said that he was going to use these debates to create divisions in the Conservative party, it is not exactly an auspicious beginning.

The Minister also performed a number of interesting U-turns in the course of his speech. On the motion to which the Government ought to have given so much thought, and to which they were so attached that they put it on the Order Paper for approval, he now says that they will revisit the time allocated on a daily basis. However, the debates on the treaty start tomorrow. The debate on the charter of fundamental rights, which his hon. Friends rightly asked him about—the motion calls them debates on human rights—are next Tuesday. He said that he would be flexible and perhaps place new motions on the Order Paper about the matter, but he does not have very long to do so, given the timetable that the Government have adopted.

The Minister conceded to my hon. Friend the Member for Forest of Dean (Mr. Harper) that on day 11 the time for debate will be protected. Day 11 may of course include the important debate on a referendum, and given the Government's flagrant breach of their election promise on that subject, that is a welcome concession. However, his biggest U-turn of all was on a policy matter. He completed the Government's 180° turn of the past seven months by saying that the Government had neither sought nor claimed to have achieved an opt-out from the charter of fundamental rights. Many of us remember Mr. Tony Blair, in his last week as Prime Minister, standing at the Dispatch Box and saying:

> "It is absolutely clear that we have an opt-out from both the charter and judicial and home affairs."—[*Official Report*, 25 June 2007; Vol. 462, c. 37.]

Mr. John Redwood (Wokingham) (Con): Does my right hon. Friend think that the reason why the Minister needs only an hour and a half for amendments on each of the topics is that the Government have only one argument—"We've given the powers away, we'll drive the Bill through with Liberal Democrat votes and we don't care a damn what you think about it all"?

Mr. Hague: My right hon. Friend is certainly right that the Government want to drive the Bill through, although I suspect that this evening they will not have even the Liberal Democrats' votes, so I shall not be as rude about them as I usually am. No doubt the hon. Member for North Southwark and Bermondsey (Simon Hughes) will make his case in a moment—or for most of the evening, in all probability.

The arguments employed by the Government on the matter of parliamentary scrutiny of the EU constitutional treaty have varied over the years depending on their policy at the time. In early 2004, having given up the argument that the EU constitution was of no real importance and only a tidying-up exercise, Tony Blair argued that it was too important for a referendum and of such vastness and complexity that it could be examined

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only by parliamentary debate. The idea of the former Prime Minister being deeply attached to parliamentary scrutiny and debate was always a little suspect, and it was soon fully reversed when he announced that the character of the subject's importance had changed and that it did require a national referendum.

Notwithstanding their election commitments, the Government have returned to the second of those three positions, as the Prime Minister said at his press conference on 18 October that

"this should now go to Parliament for very detailed discussion by Members of Parliament".

On 14 December, he said that the treaty

"will be debated in great precision in the House of Commons".

It is a surprise to the House of Commons, as the Minister has discovered in the past hour and a half, that that great precision involves suspending Standing Order No. 24, leaving the Government in charge of decisions on emergency debates, rather the Speaker. Many of my hon. Friends have spoken very strongly against that proposal.

Ms Gisela Stuart: In the right hon. Gentleman's amendment, he makes provision for a debate on national Parliaments. If he thinks that a referendum is so significant, why has he not made any special provisions for a debate on the subject in his amendment?

Mr. Hague: There is every right to expect that on day 11, when we debate the commencement clause, there will be every opportunity to debate a referendum. With my right hon. and hon. Friends, I have tabled a new clause to that effect, so the House will have an opportunity to vote on the issue.

Sir Nicholas Winterton: I am reassured by what my right hon. Friend said about what might happen on day 11 when we debate clause 8 and the referendum. Given that so much interest will be shown by Members from all parts of the House in the issue, is it not appropriate that that debate should go on for more than one day? A four-and-a-half-hour debate, and another one lasting one and a half hours, are totally inadequate for what the House considers a fundamental constitutional issue.

Mr. Hague: I agree that we need to debate that matter as exhaustively as possible. I would like that debate to go on for many days and, indeed, the whole idea to be defeated. As I have pointed out, the amendment that we have tabled is simply an attempt to improve the Government's proposals such that the Government ought to find them acceptable, given the position that they have adopted. My hon. Friend and other hon. Members who have objected to the entire basis of the Government's motion are quite right to do so.

Ms Patricia Hewitt (Leicester, West) (Lab): Will the right hon. Gentleman clarify something? If and when the Lisbon treaty is ratified by this Parliament, is it his and his party's policy, should they win a future election, to reopen the treaty, hold a referendum and campaign for a no vote, despite the fact that the treaty will have been ratified, not only by our Parliament but by every other Parliament of every other EU member state?

Mr. Hague: The right hon. Lady is hugely interested in what the next Conservative Government will do, and that mounting interest is wholly understandable, given the political situation in this country. We have debated that issue separately, and we will do so again. If I went into all of that, I suspect that I would be well out of order.

It is against the background of the Government's stated objective of permitting very detailed discussion and consideration with great precision that the House must assess the procedural motion that they have tabled. At the same time that the Prime Minister made his commitment to very detailed discussion, Government spokesmen attempted to soften up the press by indicating that there would be 20 days of debate on the Floor of the House. That figure was reported in the Sunday newspapers on 21 October, directly after the Prime Minister's press conference on 18 October. Those reports were extensively repeated and reprinted, and the Government did nothing to deny them.

It is notable that the Prime Minister, who renounced spin when he took office last June as if it were a disgusting aspect of Blairism with which he would never again contaminate prime ministerial hands, has resorted to it across a wide range of subjects, with many announcements being made outside this House rather than inside it. In the same manner, the Government encouraged the belief to grow that there would be 20 days' debate in the Commons on this treaty and that 20 days was a lot of time. In fact, 20 days is not so long for a measure that by general agreement fundamentally restructures the European Union, creates the important new positions of the European President of the Council of Ministers and the high representative for foreign affairs, removes national vetoes in dozens of different areas and provides for its own subsequent amendment without the passage of a further treaty.

The Maastricht treaty, which, as my hon. Friends who intervened on the Minister pointed out, is the most direct comparator for this particular measure, was subject to 29 days' debate on the Floor of the House. That treaty involved, in the words of the Foreign Secretary,

"a smaller transfer of power"—[*Official Report*, 3 July 2007; Vol. 462, c. 803.]

than the treaty now before us. Furthermore, those debates took place when the parliamentary day was a good deal longer—for these purposes, it was normally twice as long as a parliamentary day today.

Mr. Gummer: Not only were there 29 days, but the days were filled with debates on substantive motions and proper amendments. There was an opportunity for hon. Members to put their case and to vote on it, but this allocation of time is totally different.

Mr. Hague: My right hon. Friend is absolutely right. The time available for hon. Members to advance and then vote on their views was not two or three times greater, as it may appear at first sight, but dramatically greater than what the Government are proposing now. The Government propose only 12 days for Committee and all other stages on the Floor of the House. If we

add to that last Monday's Second Reading debate, which was reduced to less than five hours because of the need for two Government statements on chaotic aspects of their administration of the country's affairs, and today's debate on the procedure to be employed and the time to be allocated, we reach a total of 14 days. Even leaving aside the Government's previous spin that there would be 20 days of debate and the statement in the House by the Secretary of State for Culture, Media and Sport that there would be 15 days' debate, the scale of what is proposed, the breadth of the matters to be discussed and the controversy that is likely to be generated in many areas all mean that 12 days of six-hour debates do not constitute the detailed discussion and consideration with great precision to which the Prime Minister pledged the Government.

Jon Trickett: The Opposition amendment has some merit, because it suggests allocating more time on some of the detailed matters. In particular, the Opposition, unlike the Government, propose to debate the charter, which is at the core of the concerns held by me and many other Government Members. However, the right hon. Gentleman is following the Government in allocating time to what are effectively generic Government motions. Would it not have been better if he had entirely broken with that principle and stuck with the tradition of the House on debating Bills, which is to allow the debate to take place on amendments and not on Government motions?

Mr. Hague: I have some sympathy with the hon. Gentleman. In framing our amendment, however, we tried not only to meet the anxieties expressed on both sides of the House, but to come up with a proposal that was acceptable to the Government and to Government supporters, and our amendment is a genuine attempt to come up with such a proposal. In the course of his remarks, the Minister conceded that it might be better to split the six hours between three hours of generic debate and three hours of amendments, which is the proposal in our amendment. The amendment appears to have been successful in that the Government have accepted the arguments for the changing the balance of debate. Given his views, however, I am sure that the hon. Gentleman will, like me, want to vote against the motion in its entirety, if the Opposition amendment is not carried.

Philip Davies: My right hon. Friend is making a typically powerful case. He mentioned the amount of time for debates on the Maastricht treaty; it is a matter of personal regret that I was not in the House at that time. We are debating not only the number of days, but the amount of time in Committee. Does my right hon. Friend agree that if there are a couple of votes in each Committee stage, that will further reduce the amount of time for debate? Once the Front Benchers have had their say, there will be little time for any Back Bencher to make a meaningful contribution to the Committee stage of the Bill.

Mr. Hague: Exactly; my hon. Friend has made a telling point. In those situations, those of us on the Front Benches will have to exercise a good deal of restraint—but we will have to do so within one and a half hours. There are, for instance, 27 amendments on the Order Paper relating to tomorrow's one and a half hours on Home Office matters. That underlines my hon. Friend's point. There will be a shortage of time to discuss any of those amendments at all, let alone all of them.

One of the reasons why we need more time than the Government have allowed is that they are in the habit of not being frank and open in their dealings with Parliament, let alone the country, on this subject. For the first six months of last year, Ministers made the ludicrous assertion that no negotiations were taking place in the European Union—even though, as we now know, sherpas were regularly meeting around European capitals.

In answers to my written questions, the Foreign Secretary has refused to publish assessments and details of the treaty when to do so would conflict with his specious arguments on the matter. Last week, he intrigued the House by saying that it was necessary to vote for the treaty because the commission of bishops was in favour of it—implying that, for the first time since the days of Cardinal Wolsey, the House of Commons should decide whether to ratify an international treaty on the basis of ecclesiastical guidance.

Hon. Members not familiar with the commission can be excused their ignorance. It turns out not to be a British commission of bishops, nor even one that includes the majority of our Churches or even the established Church of this country, as the Second Church Estates Commissioner, the hon. Member for Middlesbrough (Sir Stuart Bell), will no doubt know. It is a commission of EU bishops that meets in Brussels and has received funding from the European Union. The fact that it is in favour of the treaty is no great surprise and the fact that the Foreign Secretary felt bound to bring it up as one of his principal arguments to the House of Commons shows that we need a great deal of time to subject to scrutiny the assertions made from the Government Dispatch Box.

Mr. Davidson: The right hon. Gentleman mentioned that the commission is composed of EU bishops. Surely the EU is not yet appointing its own bishops?

Mr. Hague: Perhaps the hon. Member for Rhondda (Chris Bryant) will soon be applying for one of those positions—I am not sure.

Mr. Cash: My right hon. Friend is making an excellent speech. Does he agree that, given how they are going about things, the Government are implementing a kind of divine right of kings, which was at the heart of what the Stuarts were about and why they were brought down?

Mr. Hague: The Stuarts certainly learned to their cost that it is better to listen to Parliament and the country. I suspect that the Government will learn the same thing, also to their cost. The amendment that I have moved provides not for all the debate that might be desirable and necessary, but at least for an amount of debate consistent with what the country had been led to expect and for fuller consideration of subjects that the Government seem to want to pass over in the greatest hurry.

The Government have already approached these matters in a highly partisan way. Ten days ago, they circulated to Labour Members the days and subjects of the proposed

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debates on the treaty through to the end of February—all, so far, borne out by what has been given to the House—but gave no such notice to the House in general until last Wednesday. Perhaps the interval until the publication of their proposals was caused by chronic indecision in Downing street, the root of most mishaps for Ministers at the moment. However, it is more likely to have been the result of wanting to give other hon. Members the minimum time to prepare amendments for debates on vital issues—particularly those on criminal justice, policing and human trafficking, all of which are to be discussed tomorrow in a debate announced only last Wednesday.

Mr. Heathcoat-Amory: Under the Government's proposals, a full day has been allocated for climate change and international development, even though the treaty makes very small new provisions on such issues. EU policy development on those two issues is proceeding perfectly adequately under existing treaty powers. Will my right hon. Friend ask the Minister, who has promised flexibility, to devote that time to the issues that involve enormous transfers of power and authority from the House to the EU and to do something to correct the severe imbalance in the debates?

Mr. Hague: Given the flexibility that he has said he will apply, it would be open to the Minister to rearrange the time as my right hon. Friend has suggested. However, I would prefer the Minister to do what is set out in our amendment. He should give many days of additional debate; of course debates can take place on energy and international development, but further days would mean that other vital subjects could be properly addressed in a bit of the detail that they merit. I hope that the Minister will take that on board.

The paucity of time, in the Government motion, for discussing amendments is another reason why we have framed our alternative schedule as we have. The Government's proposal for four and a half hours of Second Reading-style debate each day on the principles of the treaty's provisions in selected areas—but, notably, not in other areas—leaves only one and a half hours each day for the consideration of amendments in a Committee of the whole House.

Whatever one's views of the treaty or that procedure, the distribution of time—three quarters of it for general debate and only one quarter for detailed amendments, within the confines of an overall schedule much shorter than anything that the House had every right to expect and of topics chosen to minimise debate on aspects of the treaty most uncomfortable for the Government—has the overall effect of making inadequate the time available for consideration of amendments tabled by Members on both sides of the House.

Sir Patrick Cormack: My right hon. Friend is making a typically powerful and persuasive speech. If the Government persist with this niggardly allocation of time, is not the case overwhelming that the Opposition ought to consider withdrawing entirely from the proceedings and showing the public what a farce they are?

Mr. Hague: I certainly think that if our amendment is defeated, the official Opposition and other hon. Members who wish matters to be properly debated should vote against the Government's entire procedural motion. The Government should have to come back again with a motion that satisfies the needs of Members with many different points of view—Labour Members who want to debate the charter of fundamental rights, Liberal Democrats who take a different view from ours on the merits of the treaty, but want adequate parliamentary debate and Members of my own party who, like me, are opposed to the treaty altogether.

The Government should take all that into account and come back with a different motion. They should be defeated on their motion tonight, but I do not go along with my hon. Friend in advocating withdrawal from the proceedings because I believe that we were elected to the House to carry out our duty to scrutinise legislation as best we can.

Mr. Shepherd: Why do we need a motion? Why are things not committed to a Committee of the House in the traditional manner? All the points would then be met.

Mr. Hague: My hon. Friend raises another attractive alternative, which the Government should certainly consider. There is deep dissatisfaction in the House with what they have proposed. To illustrate the wider concerns about the debates, let me say a word about the six days of additional debate that we have proposed, to align the debates more closely with the importance of the treaty's provisions and with the original Government commitment to have 20 days of debate.

Mr. Davidson *rose—*

Mr. Hague: Before doing that, I shall give way to the hon. Gentleman.

Mr. Davidson: Does the right hon. Gentleman remember "Spitting Image" and the figure of David Steel in the top pocket of David Owen? Is not that the position of the small boy from Westminster school who is in the top pocket of the Prime Minister? Given that the Liberals are now a wholly-owned subsidiary of the Government in this matter, why should the Government bother listening to Parliament?

Mr. Hague: As usual, the hon. Gentleman makes a powerful analogy. As I have explained, on this particular occasion it is not my policy to join him in persecuting the Liberal Democrats, but I am sure that if this is the only day on which they are turning their vote around, I will soon be joining him in our established alliance on this subject.

Sir Nicholas Winterton: Will my right hon. Friend give way?

Mr. Hague: I feel that I ought to make progress, but yes.

Sir Nicholas Winterton: Will my right hon. Friend respond more fully to the intervention by my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd), who recommended that this matter be dealt with in the long-established conventional way of a Committee of the whole House? If the Government are not prepared to accept that proposal, why should not the Opposition make it more difficult for them by withdrawing co-operation? Perhaps that would bring the Government to their senses.

Mr. Hague: That illustrates how strongly Members in all parts of the House feel about this. I will not come to any immediate judgment about my hon. Friend's proposal, certainly not without consulting my Front-Bench colleagues, but I think that if the Government were defeated on their motion they would have to consider all the options, including the House sitting as a Committee of the whole House in the normal way, and including the Opposition's proposals. They would do well to do so, because many of their own Members are deeply concerned about what they have proposed.

Let me illustrate the importance of additional time in just one or two of the areas where our amendment proposes it. First, we propose two days of debate on justice and home affairs. The Government have allocated one day in their procedure motion, but we believe that two days is the bare minimum for such an important subject. The treaty would introduce wide and profound changes to the EU's powers in terms of justice and home affairs. The measures on justice and home affairs are these: a common EU policy on asylum, immigration and external border control

"based on solidarity between member states"

in article 61 of the new treaty on the functioning of the EU; in article 61g, measures by qualified majority voting to ensure administrative co-operation between national police and criminal justice authorities and the Commission; and in article 61h, a move to full co-decision on investigating financial links to terrorism—co-decision, I need hardly remind the House, would mean the Commission having the sole right of initiative over legislation and the European Parliament amending or blocking legislation. In article 62, there is a common policy on visas.

Article 63 sets out the common asylum policy in more detail. It includes for the first time the basis for "uniform standards" rather than minimum standards for asylum—a change that was unsuccessfully opposed by the British Government while the constitution was being negotiated. In article 63a, the new common immigration policy is similarly set out, with new powers for the EU on legislation concerning third country nationals and the abolition of national vetoes—again, unsuccessfully opposed by the Government while the negotiations were going on. Article 63b contains the principle of fair sharing of responsibility over asylum, including its financial implications for member states, with potentially far-reaching consequences. These are all meant to be debated in one day—tomorrow.

Articles 65 and 68 deal with civil justice, giving the EU new powers to pass laws on "effective access to justice",

"development of alternative methods of dispute settlement"

and

"support for the training of the judiciary and judicial staff"—

powers that the Government, during the drafting process, were concerned would compromise judicial independence but have now agreed to.

All that alone would merit at least a day's debate—one might think much more than that—but it does not stop there. Articles 69a to 69g revolutionise the EU's role in criminal justice and policing. They give the European Court of Justice full jurisdiction over that area and extend the European Commission's right to initiate legislation at member states' expense, as well as widening the EU's remit in this area to include mutual admissibility of evidence, rights of individuals in criminal procedure, and rights of victims of crime—and, of course, national vetoes are abolished. The EU would be able to pass laws establishing minimum definitions of criminal offences and sanctions in eight areas. Needless to say, the Government had objections that were overridden while that was being negotiated.

Several hon. Members *rose—*

Mr. Hague: Let me just finish the description of what is covered in this one day of debate, as the Government propose it.

Article 69d includes one of the profoundest changes of all—the right of Eurojust to initiate investigations, as well as the legislative basis to expand its role and new powers on cross-border investigations. Article 69e provides for the establishment of a European public prosecutor, despite the Government's once adamant opposition to any mention of such a post in the treaties. Article 69f expands the powers of Europol.

"As currently drafted...the revised article would provide wide-ranging competence to approximate criminal procedural law on investigative measures. Any such provision would be completely unacceptable"—

not my words but the text of the Government's failed amendments to the constitution text, on which they were defeated and gave in.

Those are just the criminal justice and home affairs issues in the main body of the treaty, notwithstanding the highly questionable protocols that the Government have agreed to. The Minister says that there will be line-by-line scrutiny—he said it again on television only this lunchtime. I looked at the treaty earlier. On my reckoning, there are 13 pages covering the areas that I have described—with 40 lines a page, that is approximately 520 lines. The Government propose 360 minutes for the examination of those lines tomorrow—less than 45 seconds per line. That is the line-by-line scrutiny that the Government propose.

Mr. Cash: My right hon. Friend is giving a most excellent description of what is going on. Does he agree that many of those provisions, if not all, would require an Act of Parliament that had to go through all the procedures in this House and in the other House?

Mr. Hague: My hon. Friend is absolutely right. If any British Government proposed to change legislation in almost any of the areas that I have described, that would require a full Act of Parliament going through all the necessary and normal procedures in both Houses of Parliament.

Mr. Edward Davey (Kingston and Surbiton) (LD): While I agree with the right hon. Gentleman's point about time, which he is making very well, is it not the case that on all the issues that he described Britain has an opt-in and is not forced to agree with the other 26 EU member states? Does he think that the opt-in does not work, or does he support it?

Mr. Hague: This is exactly why we need to debate these things at considerable length. The hon. Gentleman's point of view may be that we have an opt-in and that that is satisfactory. On the other hand, other hon.

[Mr. Hague]

Members will wish to point out that the protocol on these matters sets out a transitional period after which the arrangements are changed and after which this country may be faced with financial penalties if it does not decide to opt into many of those arrangements. We may have different views about that, but the point of our discussions today—the hon. Gentleman and I may be united at least in this respect—is that we need plenty of time to discuss such far-reaching measures before they slide through this House.

Mr. Clappison: My right hon. Friend is making an extremely convincing point. Do we not need a very great deal of time to discuss the extent to which the protocol purportedly protects us from the extended jurisdiction of the European Court of Justice—a profound change that extends the jurisdiction of the ECJ to the judicial home affairs arena? Have we not seen, through the work of the European Scrutiny Committee, that the protocol that is supposed to protect us is full of holes?

Mr. Hague: Yes, we have seen that. *[Interruption.]* I thought that the hon. Member for Glasgow, South-West (Mr. Davidson) wished to intervene on me, but he no longer does.

Mr. Jenkin: Will my right hon. Friend give way?

Mr. Hague: I should not have said that. Yes, of course I give way.

Mr. Jenkin: Even from behind, my right hon. Friend looked disappointed not to be getting an intervention from a Labour Member.

We need time to discuss these matters because the opt-in arrangements to which the hon. Member for Kingston and Surbiton (Mr. Davey) referred amount in every case to a super-Henry VIII clause whereby secondary legislation is to be used to amend primary legislation as the Government choose, if they opt into these arrangements. We are therefore handing huge powers to the Executive just by agreeing to the Bill.

Mr. Hague: My hon. Friend is absolutely right. The European Scrutiny Committee has referred to those points. Its report of 27 November states that the measures "considerably increase" the powers of the EU Commission and Court of Justice. It said that

"a stronger position could have been achieved"

for Britain by the Government, but was not; that the deal on the protocol to which my hon. Friends have referred

"may lead to serious consequences for the UK";

and that

"some new and possibly unquantifiable risk may have been introduced".

Its report of October stated that the opt-in safeguard was weak because Britain could not then opt out and that the "emergency brake" was not as effective as a veto. I hope that the Minister is taking note of the interventions. They illustrate that if time for debate on all those matters is limited to six hours, and if debate is confined on so many extensive new powers for the EU in respect of matters that could not more intimately affect our national sovereignty with a direct effect on our citizens' rights, it is risible to claim that that six hours constitutes a "very detailed discussion" of the provisions.

Mr. Redwood: Would my right hon. Friend confirm that the danger of the opt-in system is that if the Government opt in, we cannot debate the matters in question in a future general election, offer to change a particular view or get powers back because it is a one-way ratchet? That is why we need hours of time to consider this grave step that takes away the people's right to change their minds and have a better Government.

Mr. Hague: Once again, I agree with my right hon. Friend.

I was going to give several more examples, but in the interests of time I shall pass over some of them. I think that the House is getting the point that when one looks at the scale and detail of what is being put forward in the treaty, six hours of debate—four and a half hours of it a generic Second Reading-style debate—is not adequate to discuss many of the subjects.

Rob Marris: Will the right hon. Gentleman give way?

Mr. Hague: Well, go on, and then I can get on and conclude my speech.

Rob Marris: I am grateful to the right hon. Gentleman for his generosity. In contradistinction to the flavour he is getting from some of the interventions, I am getting the impression that many hon. Members have not looked at the source materials and are basing what they say on rumours and misinformation that is being peddled. For example, the right hon. Gentleman just agreed with the right hon. Member for Wokingham (Mr. Redwood) about the ratchet mechanism, whereas the treaty enables competences to be transferred back to member states.

Mr. Hague: If the hon. Gentleman thinks that the current Government are on the brink of even asking for large numbers of competences to be returned to nation states, he will be waiting for a very long time.

Let me give another example of what is in this treaty. All the things that I just read out about justice and home affairs are items that are in the actual treaty. Let us look at the provision in the Government's procedural motion to have one day's debate on all aspects of foreign policy and defence. In our amendment, we have set out that those should be separated—there should be a day on foreign policy and a day on defence. The treaty establishes a common defence policy; has weighty provisions on arms procurement; allows for structured co-operation that could have the profoundest implications for the future of European defence; and creates a mutual defence guarantee for all member states. Those are changes to which the Government had numerous objections during the negotiations, but objections on which they gave way. To all appearances, we are entering into a new military alliance, and yet that will not even be granted a full day's debate, or even six hours' debate, on the Floor of the House.

Structurally, the treaty radically changes the structure and legal status of the EU. The intergovernmental third pillar is abolished; the European Community loses its

separate identity; the EU gains its own legal personality—a move the last Prime Minister described as "potentially damaging"; and we see the establishment of a single President of Europe, about whom we spoke last week, whose appointment is already causing tremors in Downing Street. I notice that in the meantime it was reported in today's newspapers that one friend of the Prime Minister said:

"Tony is a big candidate for any big job, but we think he has important work to do in the Middle East."

The tremors are travelling further through Downing street as we speak.

All those provisions are in the treaty. It sets out for the first time all of the EU's competences vis-à-vis the member states and does so in a way that changes the balance between them, with subtle but important implications. It is our firm view that the balance of powers between member states and the EU merits at least a day's debate, as proposed in our amendment. On national Parliaments, a point raised earlier, this treaty for the first time may impose an obligation on this House in relation to an external institution—a profound constitutional innovation and one about which the European Scrutiny Committee has raised serious concerns. The Committee has said that it remains

"concerned that the provisions on the role of national parliaments are still cast in terms in which a legal obligation can be inferred, despite the undertakings given by Ministers; and...that, given its constitutional significance, this is not an issue where any ambiguity is acceptable".

Clearly, that issue needs to be debated and, given that the Government think that such ambiguity on the matter is acceptable, the least they can do is explain why during several hours of debate on such a constitutional innovation.

It is also extraordinary that the Government do not wish to discuss the new protocol on national Parliaments and subsidiarity, a point to which the hon. Member for Wolverhampton, South-West (Rob Marris) just referred. Many of us believe that it is probably unworkable, but I am surprised that Ministers do not want to take the opportunity to extol its potential benefits to the House.

I am skipping over some of the things that my amendment provides for because I think that the House is getting the flavour of what I am trying to do, but it makes clear that the charter of fundamental rights should be debated—an omission from the Government's programme that could not be a clearer admission that there are many things in this treaty that Ministers would rather pass over in silence.

Bob Spink: Just so this House does not pass over the matter, is my right hon. Friend aware and concerned that article 3 transfers exclusive competence on the common fisheries policy to the European Union? Is he concerned about that and about the fact that nowhere in the Government programme motion is there an opportunity for that important matter to be debated?

Mr. Hague: I have always been concerned about the common fisheries policy, which has been a disaster for this country in every environmental and economic sense. There certainly ought be opportunities for us to debate that, along with the other matters that I have mentioned, and if the Government were to withdraw the motion and respond to the views of the House, I am sure that that would allow us to do so.

We are, of course, in favour of debating such topics as energy and international development, but it has to be said, as my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) pointed out, that the relevant treaty provisions are thin. Let us debate them, but the Government should not pretend that the provisions relating to them require more parliamentary scrutiny than the highly controversial implications of the charter of fundamental rights, the future role of national Parliaments or the distribution of competences between nation states and the European Union.

So why are the Government proposing to give less time to those matters either than was previously advertised or than is genuinely required? Is it because they have a vital, heavy and ambitious legislative programme that will be disrupted by an extra six days of debate on this treaty? Of course not. Is it because they are worried that any more sitting days will increase the workload of Parliament to an intolerable extent? No. Is it because they do not want certain parts of the treaty to have an entire day of debate in their own right because people inside and outside Parliament might notice what is being done in their name? That is nearer the mark.

The more detailed consideration there is, the more clearly the treaty will be exposed as the almost identical copy of the constitution on which the people of Britain were promised a referendum. Every detailed examination of what is in the treaty has failed to support the Government's arguments that it is fundamentally different, as the reports from the European Scrutiny Committee and Foreign Affairs Committee have shown. Further proof of another reason has emerged over the weekend. As we have repeatedly said from this Dispatch Box, this treaty's importance relies not just in the clear-cut extension of the EU's powers or abolition of national vetoes but in the processes it sets in train. The document leaked at the weekend shows that EU leaders plan to make a series of important decisions—on subjects such as the role of the EU President; the structure, operation and field of action of Europol; the new powers of Eurojust; the rules governing the European public prosecutor; the powers of the new operational committee on internal security; the nature of structured co-operation in defence; the role and power of the EU Foreign Minister; the organisation and functioning of the EU diplomatic service; and other subjects, too—only after the ratification of the treaty in those countries that are called difficult countries, such as the United Kingdom.

Ministers, it seems, are engaged in trying to hide from Parliament not only the extent of the measures to which they have agreed, but the extent of the measures to which they have not agreed and to which they intend to sign up once these debates are out of the way. There could not be a more cynical approach to the conduct of Government policy, deeply lacking in openness, transparency or honesty. The Government's concern throughout has not been to listen to the public or Parliament but to do their best to exclude both from any decision making about the European Union.

The motion is of a piece with that attitude. That is why it is unacceptable to those of us who are opposed to the EU treaty and why it should be unacceptable to those who are in favour of or indifferent to the treaty but want to see the functioning of Parliament and the scrutiny of an important treaty carried out in a way that lives up to the traditions of Parliament and the history

[Mr. Hague]

of democratic debate. No parliamentary consideration of the treaty can be adequate without the referendum to which 40 million voters are entitled.

A longer time for consideration that allowed more thorough discussion of amendments, was focused on the most far-reaching provisions of the treaty and allowed greater time for the Government to explain those many aspects of the treaty that they have not yet explained would be a great improvement on what they have proposed. That is why, if the Government will not take their motion away, I ask the House to support the Opposition amendment when we come to vote on it.

6.22 pm

Jon Trickett (Hemsworth) (Lab): The House will be pleased to hear that I do not intend to speak for the same length of time as the previous two speakers. However, I want to make some important points.

First, as a proud Labour MP, it has never been my wish to interfere with the Government's intention to legislate on particular matters, although we have disagreed from time to time. I have been driven into some unusual situations by that. I have had doubts about such a motion on only one previous occasion, but I am afraid the Minister has not convinced me that this motion makes adequate provision for debates such as those that I and many other Labour colleagues want.

I have already intervened several times, so the House may have gathered what my objections are, but I shall quickly run through them now. The motion provides for eight days during which we will discuss clause 2. In effect, the Bill is a single-clause Bill. The treaty's effects on UK legislation are included in that clause. Most of the amendments will be tabled during those eight days, but the days have been divided in an unusual way. The House will not go into Committee for the first four and a half hours of each day while it is scrutinising the Bill. That is a constitutional novelty. On Friday, I will have been in the House for 12 years and so I suppose that I am a relatively junior Member, but in those 12 years I have never seen the scrutiny of a Bill involving a generic debate, determined by the Executive, for the first three quarters of the day, with the House going into Committee only for the last 25 per cent. of the day—the last hour and a half, in this case.

The first problem with the form that has been adopted is that not only is it a constitutional novelty but it allows the manipulation of the debates by the Executive to their advantage. The themes that have been determined by the Executive are clearly intended to exemplify what they see as the beneficial aspects of the treaty. However, many other aspects of the treaty will not have the same beneficial effects on the UK. The Government have deliberately set about creating a set of debates on themes that are intended to exemplify the beneficial effects of the legislation and the treaty, but that is not how legislation ought to be scrutinised in this place.

The second and equally important problem with this way of proceeding is that we know that generic debates—Adjournment debates and other debates on Government motions—are largely dominated by the speakers from the two Front Benches. We have just seen an example of that. The debate started three and a half hours ago, and I am the first Back-Bencher to speak. The four and a half hour generic debates will be dominated by those on the two Front Benches and it is clear that the voices of Back Benchers will not be heard in the way they would if the House were in Committee, where they could seek to amend the legislation and thereby affect the treaty. It is clear that the miserable one and a half hours each day might be dominated by a series of Divisions, while the four and a half hours will be dominated by the Front-Bench spokespeople and, in particular, by the Executive. That is not the way in which the House should proceed.

It seems that such a process will also distort the character of the debate. It is clear that the division between those who sit on the Front Benches is about the role of the nation state and national Parliaments vis-à-vis a superstate or federal states. That is clearly an important debate for the House, but other voices, on our side at least—and I am one of them—want to raise another critique of the EU.

Let me briefly exemplify the kind of debates that we should have, but which are excluded by the motion. Many of us have accepted that the economic powers that in the past were coterminous with the nation state are now supranational and even global. It is therefore inevitable that if we want to attempt to control the effects of those economic powers, we must have some supranational co-operation. The argument in favour of a Europe of the peoples that attempts in some way to control the power of those global corporations has been won.

We want not a liberal, market-driven Europe but a social Europe. However, the terms of the motion exclude the possibility of our having that debate. The debate will largely be between those who speak from the two Front Benches and it will be about the nation state as opposed to the superstate, whereas we want a debate about a liberal Europe as opposed to a social Europe.

That brings me to the subject of what the Minister has denied is an opt-out. I want to speak about the charter of fundamental rights. When the previous Prime Minister, Tony Blair, went to negotiate the treaty, we were told that the red line would not be crossed—the charter would not be allowed to create judiciable rights in the United Kingdom. When he had finished the negotiations and had been on the phone to the then occupant of No. 11, he came out and said, "We've secured an opt-out from the charter." Those were the words he used, both on the record and in briefings to the press. Now the Minister denies that an opt-out has been secured. That needs to be debated because the charter of fundamental rights is central to the sort of Europe that is being constructed. Will it be a liberal, market-driven Europe, where inequality is intensified and companies are allowed to move across the globe with no accountability to the work force or the nation states? Will it be a Europe where the interests of ordinary people are secured by the charter of fundamental rights? In our debates, there is no opportunity to test whether the Minister was right to deny the opt-out or whether Tony Blair was right to say that there was an opt-out.

Jon Cruddas (Dagenham) (Lab): Has my hon. Friend seen the rulings of the European Court of Justice on the Laval and Viking cases, the implications of which

split labour lawyers throughout Europe? We need to discuss that thoroughly, especially in the context of title IV and our opt-out of the charter of fundamental rights. The consequences could drive a coach and horses through workers' protections throughout Europe, especially in this country.

Jon Trickett: The Viking and Laval cases, which were determined in the European Court of Justice recently, clearly signal that we should hold a debate on a neo-liberal Europe, where corporations can move across the continent uncontested by trade unionists.

Let us consider title IV of the charter of fundamental rights, from which the Minister claims that there is no opt-out whereas Tony Blair said that there was. That needs to be debated. Page 173 of the treaty refers to the United Kingdom, ostensibly led by a social democratic Government, and Poland, which is hardly a social democratic country. Articles 1 and 2 clearly contain an intention to ensure that the UK and Poland are exempt from most of the justiciable rights in title IV, which is entitled "Solidarity". Paragraph 2 of article 1 states:

"In particular, and for the avoidance of doubt, nothing in Title IV of the Charter creates justiciable rights applicable to Poland or the United Kingdom".

What is this amazing title IV, which the programme motion excludes from debate? I shall not go through it in detail because you would rule me out of order, Madam Deputy Speaker. However, it is important to explain why I do not find the motion in its current form acceptable and why I am frankly tempted by the Opposition amendment. Many colleagues are also tempted as they consider how to vote. Title IV gives workers throughout Europe the right to information and consultation within an undertaking. It gives trade unions the right of collective action and bargaining. It grants a right of access to placement services, a protection in the event of unjustified dismissal and a right to fair and just working conditions. How can the Government have said that the treaty's solidarity clauses cannot be incorporated into UK law?

Mr. Cash: The hon. Gentleman is making a powerful speech from his own point of view. As with Michael Foot and Enoch Powell in their day, combination in opposition on a matter of principle can be achieved. Does the hon. Gentleman hope that the broadcasting authorities, for example, will pay attention to the views that are being expressed? So far, there has been almost no serious commentary or analysis of important questions, which have to be resolved.

Jon Trickett: I take the hon. Gentleman's point because the views that I am expressing rarely appear in the media. However, millions of people hold those views.

Let me draw the Minister's attention to the fact that every trade union supported the amendment that I tabled, which Mr. Speaker, perhaps rightly, failed to select. The trade unions are concerned by the UK Government's apparent decision to exempt the UK from title IV of the charter. If the media are not adequately reflecting our views, it is essential that the House at least structures its debates to allow Back Benchers such as me and others to express their desire for a more social and less neo-liberal Europe than the Government currently envisage.

Colin Burgon: My hon. Friend makes a powerful case against a neo-liberal Europe. He will have heard the Minister deny that we have opted out from title IV solidarity. Is not the confusion that has ensued as the day has progressed an argument for a full day's debate on the charter of fundamental rights as it affects working people?

Jon Trickett: My amendment might have achieved precisely that, had it been selected. I want a full, six-hour debate, not dominated by Labour and Conservative Front Benchers, to ensure that the voices of people such as me are properly heard.

Graham Stringer: I listened carefully when my hon. Friend said that he was considering voting for the Conservative amendment. However, although it is better than the substantive motion, might it not be best to go back to square one? All the flaws that he mentions in the context of the charter also apply to other subjects that are being missed out of the debate. Would it not be a cleaner decision to vote against the substantive motion?

Jon Trickett: My hon. Friend tempts me to another course of action, which I shall consider during the evening. However, I want to stress to my hon. Friend the Minister and anyone else on the Treasury Bench who is listening, that some of us accept the argument for some sort of supranational co-operation on a social democratic basis to try to control the powers that the globalisation of capitalism has unleashed. I am more than half convinced that a European entity of some kind is necessary, but I am equally adamant that what the Government have negotiated unleashes the power of big business, while the opt-out that we appear to have secured diminishes the power of organised labour to resist the actions of specific corporations.

I want to consider the Viking and Laval cases briefly.

Colin Burgon: Is the concept that the bureaucrats and Peter Mandelsons of this world—[HON. MEMBERS: "Ooh!"] I am sorry to say his name, but there is a perception that such people exist in a sort of nether world. However, have not this week's events shown—Peter Mandelson, who is keen to push through the various trade agreements, said today, "This must happen before Bush loses power"—that there is close working between the bureaucracy and the neo-liberal forces?

Jon Trickett: It was interesting to read Commissioner Mandelson's comments that it was essential to get the trade agreement in place before the demise of President Bush. However, Madam Deputy Speaker may think that I am straying from the point—

Colin Burgon: She is not listening.

Jon Trickett: That's okay then.

Madam Deputy Speaker (Sylvia Heal): Order. Perhaps the hon. Gentleman will now confine his remarks to the motion.

Jon Trickett: I am grateful for your guidance, Madam Deputy Speaker.

[Jon Trickett]

The point that I am trying to make—perhaps inadequately—is that the terms of the motion seem to have been deliberately constructed to engineer a debate on the Government's view and the Opposition's view and the nation v. the supranational entity. I should like amendments to be debated to allow us to hold a proper debate on the opt-out, to which the Minister often referred.

I want briefly to consider the Viking and Laval cases before handing over to somebody else. Those cases clearly determined a hierarchy of rights in the EU, in which the rights of property, free competition and an open market are of a higher order than those of ordinary working people to organise collectively to defend what they perceive as their interests. If the opt-out, as I insist on calling it, continues, that gives a clear signal to the ECJ that the Government entirely accept the argument that there is such a hierarchy and that the rights of trade unionists and others hold a lesser place than the rights of capital to move freely across the European Union.

Therefore, I will be an invidious position when it comes to tonight's vote at 10 o'clock. I want my Government to get their legislation—they have many excellent pieces of legislation about to go through the House—but I am not convinced by the Minister's claim that there will be the flexibility to enable us to secure the kind of debate about a social Europe versus a liberal Europe that I would like. Therefore, I am looking to him or his colleagues to indicate in the next hour or two that there will be a clear opportunity to debate and to vote on the charter, and on title IV in particular. Otherwise, I might well be tempted into the Opposition Lobby tonight.

6.40 pm

Simon Hughes (North Southwark and Bermondsey) (LD): I am not surprised that the two Members who signed the motion in the name of the Government are not here. The Leader of the House, who is often here working diligently, is noticeably absent and the Foreign Secretary is yet to show his face. They have left the estimable Minister for Europe to deal with how the Government hope to get their proposal—we debated it a week ago today and they got general support for it, including from our Benches—from an agreement in principle to the other end of its progress. However, now that the Conservative Front-Bench spokesman and the first Labour Back Bencher to speak, the hon. Member for Hemsworth (Jon Trickett), have both made it clear that the proposed route is not acceptable—I will say similar things to them—it will be clear to the Government that they have got themselves into a muddle and that they cannot hope to go down that road.

The Government came up with the idea that it would be good to discuss an important treaty—it is the reason for the European Union (Amendment) Bill, but it is not the Bill itself—by grouping subject areas of the treaty into discussion of different provisions in the Bill. However, anybody who looks at the Bill will see that it is only marginally detailed. It goes to the specific mechanics for implementing the treaty—for example, clause 2 is the important one that says that if we join the treaty to a list of treaties for which we already have legislative power, it has direct effect in the United Kingdom. However, the Bill does not set out the different subject areas. The Government therefore sought to manage the debate.

What has happened shows how completely flawed our systems for dealing with treaties are in this place. I have argued that ever since I arrived here, and my colleagues have sought to persuade Governments of it in the past. We cannot expect colleagues and Governments satisfactorily to shoehorn a debate on a treaty into a debate on a Bill.

The hon. Member for Hemsworth said that he would hand the baton on to somebody else when he finished. I was a bit worried that he was hoping that I would pick it up for the neo-liberal view of the world that he described. I am happy to be a Liberal, but that was not quite my understanding of my position—I am a much more traditional Liberal than that, for which I am sure he will be thankful.

The hon. Gentleman argued that there should be both a debate about the general implication of the treaty and whether it would effectively give institutional power to deal with the private sector—a perfectly proper debate about one of the reasons colleagues such as me have supported the development of the European Union—and a debate about specific proposals, such as the implications for workers' rights and the rest, related either to the parts on which we currently have no obligation, but to which we could opt in, or to the charter of fundamental rights, which is attached to the treaty but not a part of it as far as the UK is concerned. That would be perfectly proper, but we will not get a chance to debate those matters at all. Under the proposal, we are being presented with an attempt to shoehorn debates about some things into limited time, which will be inadequate, as is abundantly clear.

Last week my hon. Friend the Member for Kingston and Surbiton (Mr. Davey) made clear our position on the central issue. We on the Liberal Democrat Benches believe that the treaty is a good thing, that it will be good for Britain, that we were right to ratify it and that we should agree to it. That is our position and we do not resile from it. We also had an exchange, which is now familiar, about whether we should have a referendum on the treaty or on the wider issue. The House knows the positions: the Government said that there should be no referendum, the Conservative party wants one just on the treaty and we want one, once the treaty is agreed, on whether the United Kingdom should remain in the European Union. We would campaign in support of our remaining in the EU.

However, those are not the matters for today. Before I even saw the Conservatives' amendment, I was clear that the Government proposal would not work and that we should vote against it—defective though the Conservatives' amendment is, it is a better attempt than what the Government have proposed. At 10 o'clock tonight, my colleagues and I will therefore vote against the proposal in motion No. 2. We are absolutely clear that it is defective. We shall support amendment (f), standing in the name of the Leader of the Opposition, because it is the best alternative in town, although it, too, is substantially defective.

Hoping that we will defeat the Government tonight and that those such as the hon. Member for Hemsworth will have the courage of their convictions and vote out this procedural proposal, I now make the offer, which I

am sure would be accepted by those on the Conservative Front Bench, to the Minister for Europe and the Deputy Leader of the House that we sit down after tonight's proceedings and do what we should have done in the first place: negotiate not a perfect solution—we are in an imperfect context—but a much better solution. Such a solution would not only allow debate about the substance, but allow the legislature to decide the important issues and propose them to the Government.

Of course we can do that thematically, by taking, for example, the charter of fundamental rights one week and justice and home affairs, which are currently on the agenda for tomorrow, another week. However, the decision should be led by the legislature, not the Government. We know what the Government's position is. The Committee stage of parliamentary proceedings is not the time when Governments should make their proposals; it is when parliamentarians from the Government Back Benches and all Opposition parties should test them by amendments and come to a conclusion.

Mr. Cash: Leaving aside for the moment the question of a referendum—although we would be interested to know what the hon. Gentleman would say on that—would he also agree, speaking from his party's point of view, that it is important that such matters as new clauses, in particular those on saving the Bill of Rights and the supremacy of Parliament, for instance, should be properly debated as well?

Simon Hughes: Absolutely. I shall come back to that, although I do not want to make a long speech, which might disappoint colleagues—over the weekend, I contemplated using motion No. 1 or motion No. 2 as an opportunity to make a record-breaking speech, which would have been a very long speech indeed. I think that I am second in the parliamentary league table—[HON. MEMBERS: "Only second?"] I was overtaken, sadly. My speech was from the days of trying to resist the abolition of the Greater London council, when I spoke from the then Labour Opposition's Front Bench, much to the chagrin of the Labour party, which had deserted its post. However, I decided not to do that today, because I thought that a collection of arguments from throughout the House making it clear that the proposed procedure was unacceptable would be better.

Mr. Shepherd: Although the hon. Gentlemen's suggestion would mitigate the worst part of the Government's proposals, what was wrong with the traditional way of handling such a Bill, on the Floor of the House? Is that not the way forward?

Simon Hughes: That would certainly be a way forward. Unless there had been agreement that the new system was better than the old system, it would probably have been better to keep the tried-and-tested system. I do not belong to the dinosaur tendency, which says that we never change our procedures. Indeed, I welcomed the Minister's suggestion that we try to be thematic. That seemed a welcome initiative and I do not resist it just because it is a new idea—if we did that, we would never make any changes to the procedure in this place at all. However, it might be better to go back. Indeed, if we defeat the Government's motion tonight, that is certainly where we will be, with the normal procedures. That is a better starting place than the proposal that has turned out to be totally inadequate to the task ahead of us, even though it might have been attempted in good faith.

I want to deal with some of the specific subjects that have already been identified as having been missed from the provisions on the allocation of time. We can have lots of inter-party knockabout on these matters, but, to be fair, all parties agree that there is a common interest in debating certain sections of the treaty for roughly the same length of time. However, the Opposition are making an extra bid for certain other sections to be included, and everyone has spotted the fact that the Government are trying to rush things through far more quickly than is justified. I shall come back to that issue, which I hope deals with the point raised by the hon. Member for Stone (Mr. Cash).

Certain matters are not provided for in the timetable, and are perhaps not commonly agreed to be valid subjects for debate. They are not the central issues, but they relate to the economy, social services and public services. Adoption rights and aspects of family law, for example, are not unimportant to people, and we ought to have an opportunity to debate them. There certainly ought to be an opportunity to discuss the role and legal status of EU institutions. The Conservatives get themselves wound up about that and misrepresent the case. It is not the great monster that they pretend it is, and I shall be happy to take them on in that regard. Many organisations have legal status. The Universal Postal Union, for example, has legal status. The treaty is bringing the situation up to date by proposing that certain new structures should have legal status. So this issue is not a monster, but we should still debate it properly.

There is also a good debate to be had on the distribution of competencies between the EU, as it will be, and the national Parliaments. The treaty actually gives national Parliaments more say, not less, in that regard, although one would not think so if one listened to the Tory party. For the first time, the treaty explicitly provides a right to leave the European Union as opposed to staying in it. I would be happy to debate that, because it shows the merit of the treaty—

Mr. Nigel Evans (Ribble Valley) (Con): That is a red herring.

Simon Hughes: It is not a red herring. It is an absolutely central proposal in the treaty—*[Interruption.]* It is not even a matter of fishing policy.

There is also a suggestion that we should have further debates on the role of national Parliaments. I should be happy to add all these topics to the agenda. There is also a strong case for devoting more time to debating the central issues, including foreign policy and defence. The treaty proposes changes in structure, which I welcome. For example, it is a good idea to have one person responsible for foreign policy, rather than a Commissioner and another senior official.

There are many good things in the treaty, and they are big enough issues to warrant debate, as are the issues that are on the agenda for tomorrow, for which the time allowed is inadequate. There should be an opt-out in relation to justice and home affairs, and the Government have negotiated just such an opt-out. My hon. Friend the Member for Sheffield, Hallam (Mr. Clegg), now our party leader, argued strongly for that, as did

[Simon Hughes]

our previous party leader and our new spokesman on home affairs, my hon. Friend the Member for Eastleigh (Chris Huhne), who will speak tomorrow. He will also make that argument, which is one that I have advanced all the time. Those matters are rightly not part of our commitment at the moment. There is a proper debate to be had on what could happen to make them part of our commitment, however. Would there need to be proper protection for Parliament, to protect us from the position changing from an opt-in to being part of the obligation?

Asylum, migration, border crime, justice policy, policing and human trafficking all deserve more than a day's debate, whether the days are split into two periods of three hours or in any other way.

Mr. Davidson: Is it not the case that the Liberal Democrats have already committed themselves to voting for absolutely and utterly everything in the treaty anyway, and that they cannot therefore be seriously interested in scrutinising it with a view to seeking changes? Are they not simply engaging in a game? The reality is that if people vote Liberal Democrat, they will get Brussels.

Simon Hughes: I know the hon. Gentleman's position, and he knows ours. That is not new in this place. We think that the treaty will bring benefits to Britain. We believe that a European Union of 27 members needs different structures from the European Union of six, nine, 15 or 25 members. We need to avoid the nonsense of changing the presidency every six months. We support all those things, but that does not mean that we are against scrutiny. We have argued over and again that we do not give adequate scrutiny—

Mr. Davidson: Do you want to change it?

Simon Hughes: Of course there might be things that we think could be improved. Parliamentary scrutiny allows—

Mr. Davidson: Are you going to vote for changes?

Madam Deputy Speaker: Order. May we conduct the debate in the usual manner, please?

Simon Hughes: I am dealing with the hon. Gentleman's usual manner, Madam Deputy Speaker.

We are very happy that the treaty should be scrutinised. I have made the point that the scrutiny should have come first, before we dealt with the Bill. However, we support the Bill because it will allow the United Kingdom to make the treaty part of UK domestic law. Without proper scrutiny, however, some of the proper questions that the hon. Member for Glasgow, South-West (Mr. Davidson) and other colleagues want to ask cannot be asked. Such questions could well throw up issues that, by definition, scrutiny is designed to reveal. We have never given anyone a blank cheque but, at the end of the day, the Government of any country have the executive responsibility to seek to negotiate treaties with other countries. If we had been the Government, the result would have been different. Unfortunately, we were not elected to form a Government last time, but I hope that, before the hon. Gentleman and I have finished our time here, the Liberal Democrats will have formed a Government. He will then be able to hold us to account.

Mr. Evans: The hon. Gentleman is absolutely right. We should scrutinise everything in the treaty in detail. He says that he supports it because, overall, he believes that it is good for Britain. Does he not agree, however, that the final judgment should rest with the people, and that there should be a referendum on the issue?

Simon Hughes: I believe that the final judgment about whether the United Kingdom should be part of the European Union should rest with the British people in a referendum. On the treaty, however, given the structure of the document now before us, I do not believe that there could be a valid debate or decision by the British people, as it would be limited to the matters in the amending treaty. Because most people in Britain did not take part in the last referendum in 1975, and because this is still a big issue, we would welcome and value an opportunity to have a referendum on the big question of whether the United Kingdom should stay in the European Union, and we hope that Parliament will agree to provide that opportunity once the treaty has been agreed. I hope that the hon. Member for Ribble Valley (Mr. Evans) and other colleagues will support that proposal. Out there, the British public are not concerned about the details of how many Commissioners there are. They are interested in the big question, and that is what we ought to be voting on.

Mr. Harper *rose—*

Mr. Davidson *rose*

Simon Hughes: I shall give way to the hon. Member for Forest of Dean (Mr. Harper), then I want to finish so that other hon. Members may speak.

Mr. Harper: The point that the hon. Gentleman has just made may or may not be valid, but why, at the last election, did he and his hon. Friends stand in front of their electors and promise that they would give the people a say on a document that is incredibly similar to this one?

Simon Hughes: There is a very simple answer to that question. The hon. Gentleman is right. At the last election, all three major parties said that they would give the British people a vote. His party said that it would do so within six months; the other two did not specify a time. At that stage, it was understood that the proposal was that there would be a totally new, all-encompassing, once-and-for-all document—a new constitution for Europe. In all the time that I have been here, I have always said that big constitutional matters should be the subject of a referendum. Subsequently, as the hon. Gentleman well knows, the proposal did not get through the referendums in France and the Netherlands. As a result, it went back to the drawing board. He can look at my copy of the treaty if he wants to—

Mr. Harper: It is the same.

Simon Hughes: No, it is not—

Mr. Richard Bacon (South Norfolk) (Con): Why does the European Scrutiny Committee say that it is?

Simon Hughes: It is not.

Mr. Bacon: Why does the Foreign Affairs Committee say that it is?

Simon Hughes: It is not. This document—

Madam Deputy Speaker: Order. We are now debating the motion on the timetable, rather than anything else.

Simon Hughes: I was being distracted, Madam Deputy Speaker. I shall just finish my sentence, then I shall follow your stricture absolutely. If the hon. Gentleman looks at the treaty, he will see that it is not a new constitution for Europe. It consists of amendments to existing documents. That is the fundamental difference.

I shall turn to the substantive reasons why the motion should be defeated. First, it does not allow enough time for debate. This is a 291-page document. There were 23 days—162 hours and 45 minutes—allowed for debate on the Maastricht treaty. In its breadth, this is more of that order than some of our previous, more minor debates.

Secondly, if we pass this motion, there will be a clearly flawed provision that would allow Members to initiate emergency debates and decided by Mr. Speaker or by you, Madam Deputy Speaker, only at the end of the day's business. That is nonsense; by definition, these matters should be dealt with at the beginning of the day's business.

Thirdly, the right hon. Member for Birkenhead (Mr. Field), who is no longer in his place, and others made an important point earlier—that the Government's intention of giving clear notice, which is good, has resulted in our having to conduct a debate first and deal with amendments later. That is not the right way round because it means that the Executive go first, with Back Benchers and the Opposition parties having the chance to participate only later and with limited time. Logically, we should be able to see what the amendments are, have a general debate on the issues and vote at the end. There are better procedural ways of achieving the same objective.

My fourth objection is the split between four and a half hours for general debate and one and a half hours for amendments. The hon. Member for Glasgow, South-West is right to say that we are unlikely to table millions of amendments, but some hon. Members will table them and he might even table the odd one himself—*[Interruption.]* We may well need more than one and a half hours to deal with amendments, so the motion is unacceptable in providing only 30 hours in total for all amendments before we reach Report and Third Reading. The Opposition's proposals would allow 66 hours—clearly an improvement in doubling the time, which is why we said we will support it—but we must provide sufficient time to deal with all the amendments.

Mr. Davidson: May I offer the hon. Gentleman an alliance? I will vote for his referendum if he will vote for mine.

Simon Hughes: That is very generous of the hon. Gentleman. However, we have not yet had an opportunity to get the amendment passed. When it is available and has been passed, we can have that discussion—*[Interruption.]* My hon. Friend the Member for Kingston and Surbiton reminds me that the hon. Member for Glasgow, South-West has always held this position.

The Minister, trying to rescue his friends from a difficult position, generously said that he was willing to be flexible. I think that he will certainly need to be so if he is to make progress after tonight. Whatever happens, we hold ourselves ready to have the necessary conversations among all the political parties about how we can be much more flexible than the current proposal allows.

It is nonsense that in respect of days 10 and 11, on which we are likely to debate the referendum proposals and remaining business, the same extension of time is not available unless other arrangements are made. We know what is coming down the track; we know what are likely to prove the most controversial areas, so we should provide for them. It is nonsense, too, to assume that Report stage will not happen because there will have been no amendments. Only six hours are programmed for Report and Third Reading. As this Bill is so important, even if there were no amendments, there should be two days for Second Reading and two days for Third Reading, so the provisions in the motion are clearly inadequate.

In conclusion, I have reached the view that the modernising tendencies of the Government, whereby they want to do something good with procedure, have been overridden by the old tendency, described so well by my hon. Friend the Member for Twickenham (Dr. Cable) when he spoke of the Stalin in No. 10 and his authoritarian friends. That has been reflected in authoritarianism about the timetable for the Bill. We are witnessing ridiculously authoritarian control over this timetable. If this is the most important measure before us—I am not necessarily saying that it is—and if it must be debated on the Floor of the House because of its constitutional importance, it must have all the time it needs for full debate. We need to make that time; we do not sit in Parliament as long as we used to and Liberal Democrat Members are ready to make the time available. We may have different views about the merits of the Bill or the treaty, but the House will do itself a disservice if it does not provide enough time to debate the Bill properly.

Those who want a referendum, whether they be Liberal Democrats or Conservatives in different ways, may believe that there will be an opportunity to have one later, depending on amendments and other things. However, it is very misguided indeed for the Government, who are unwilling to have any referendum, to seek to clamp down on debate of this Bill.

Rob Marris: On a point of order, Madam Deputy Speaker. Is it in order for one Member to describe another Member as Stalin, who was a mass murderer?

Madam Deputy Speaker: The hon. Member was quoting another hon. Member when he used that expression.

7.6 pm

Ms Patricia Hewitt (Leicester, West) (Lab): Having listened with great interest to the last three and half hours of debating over the business motion, I am delighted to have the opportunity to support my hon. Friend the Minister for Europe. I am well aware that the procedure proposed to handle the European Union (Amendment) Bill is novel and I am also well aware

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that some hon. Members view that novelty as enough in itself to damn it. That is not my view. As you will be aware, Madam Deputy Speaker, I have always been strongly in favour of the work of the Modernisation Committee and I commend the Government on this occasion for having given considerable thought to what they view—a view that I share—as a better way of dealing with the double set of issues that Parliament needs to debate.

Mrs. Dunwoody: I am most grateful to my right hon. Friend, but I seem to have missed the great body of demands for changes of this kind. Why does she believe that this procedure has been introduced suddenly for this particular and rather important Bill?

Ms Hewitt: I was just going to make a point that effectively responds to my hon. Friend's intervention. What Parliament needs to consider on this occasion is both the treaty itself and the Bill to give effect to it. It is the treaty that contains the real matters of substance that this House and certainly my constituents are most concerned about, whereas the Bill—an extremely short Bill, albeit one with some important procedural content—simply gives effect to it. It is therefore very wise and imaginative of the Government to come forward with a procedure that allows Parliament fully to debate the substance of the treaty itself—which is not of course amendable by this Parliament—by organising a series of themed debates, while also allowing time, as must properly be required, for debates on amendments to the Bill.

Rob Marris: May I suggest that evidence of demand for change, which my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) asked about, comes from the existence of our new Public Bill Committees? That may not provide sufficient evidence for my hon. Friend, but we have changed our procedures in order to have a more general start to them, including the taking of evidence, if necessary. Subsequently, those Committees move on to amendments—very similar to the procedure proposed to the House tonight.

Ms Hewitt: I entirely agree with my hon. Friend, who also made a very good point earlier. I have always supported that sort of special procedure for Bill Committees. Many, many years ago when I was general secretary of the organisation that is now called Liberty, I gave evidence to a Standing Committee which I believe I am right in saying was the first to make use of such procedure in dealing with Bills. I well know from my mail box and conversations with constituents that they are interested in many aspects of the substance of the Lisbon treaty. They want to speak to me about rising energy prices, to which, of course, the liberalisation that is so urgently needed in the European Union is one of the major responses. They want to talk about climate change, about human trafficking, and about the welcome cuts in mobile phone roaming charges and other benefits to consumers that have come, and will come in future, from the European single market. It is on all those and many other issues that the themed debates will allow us to reflect.

Mr. Harper: The right hon. Lady has spoken of her constituents' great interest in this subject, and their wish to speak to her about it. At the last election, she stood before the voters and promised that she would allow them to make a decision. Why has she now decided that they are not to have a chance to do so?

Madam Deputy Speaker: Order. I have already ruled that we are debating not the pros and cons of a referendum but the motion before the House.

Ms Hewitt: I shall certainly want to discuss that if I am called when we come to debate the amendments that will doubtless be tabled on the issue of the referendum. At this stage, I will simply make the point that the Lisbon treaty is different in nature and in substance from the constitutional treaty on which I, and other Members, promised a referendum.

I must say that I do not find it in the least surprising that the hon. Member for Forest of Dean (Mr. Harper) and his party object not only to the treaty but to the programme motion. I believe it was at the 2006 Conservative party conference that the party's leader said it was high time his party stopped "banging on about Europe". Those were his exact words. He said that the Conservative party had been banging on about Europe and, not surprisingly, losing the attention of the public as a result. We have heard from so many Members this afternoon that same obsession with procedure, that same nit-picking, that same—in many cases—belief in conspiracies whenever Brussels is mentioned, which has characterised the British Conservative party's attitude to Europe for two decades or more, and which contributed so much to their expulsion from government.

Mr. Shepherd: Perhaps the right hon. Lady will reflect, when she stands before the courts of this land charged with an offence against law, that she will be protected by procedure. It is in procedure, sometimes, that our liberty is preserved.

Ms Hewitt: I have always had great respect for the hon. Gentleman's work on human rights and civil liberties, and of course his point is a fair one, but I do not think that he misunderstood in any way what I was saying. I am only sorry that he thought that so much of this afternoon's debate, particularly the multiple points of order, contributed anything either to the scrutiny that the House is here to give or to the debate among the public.

Nor do I find it surprising that the Conservative party is so isolated within the European Union itself. It was, again, the right hon. Member for Witney (Mr. Cameron), when he became leader of the party, who in an attempt to appease some of his Back Benchers pledged to leave the European People's party.

Mr. Jenkin: On a point of order, Madam Deputy Speaker. I very much regret having to do this, but surely the relationship between the Conservative party and the EPP has nothing to do with the motion.

Madam Deputy Speaker: I have been lenient with a number of contributions from Members in all parts of the House, but I remind Members again that we are discussing the programme motion.

Ms Hewitt: I am grateful to you, Madam Deputy Speaker. One of the reasons why I support the programme motion so strongly is that I am certain that, in the days and weeks ahead, it will give us an opportunity to probe in much more detail the Conservative party's attitude to the European Union, to Britain's membership of the European Union, to the Lisbon treaty, and to their conservative and centre-right political colleagues in the rest of the European Union, from whom they now find themselves entirely isolated. I think I am right in saying that the only ally that the Conservative party has among its European Union counterparts is the Czech Civil Democratic party, the ODS, which is both in favour of the treaty and against a referendum.

Mr. Evans: Part of the argument this evening is that we are not being given sufficient time in which to scrutinise the treaty that is before us. If we were given more time, the right hon. Lady would have more time to do all the things that she would like to do, although tonight is clearly not the time at which to do them.

Ms Hewitt: I think the hon. Gentleman overestimates the amount of time that is required in the House to expose the contradictions in his party's attitude to the European Union. The amendment that he supports seeks six more days for debate, and more time within each debate for amendments to the Bill. However, as has been made clear this afternoon, the amount of time that the House will have for substantive debate on both the treaty and the Bill will depend very largely on the number of points of order from Conservative Members. I hardly think that good use has been made of the generous amount of time that has been made available for debate on the programme motion.

Rob Marris: Is my right hon. Friend surprised that the Opposition amendment which has been selected seeks more time in which to discuss European Union issues—more time in which the deep divisions within the official Opposition over our membership of the European Union can be exposed? Their amendment suggests that, in a kamikaze way, they want more time in which to expose those divisions.

Ms Hewitt: My hon. Friend is absolutely right, and that appears to me to be the only reason why our Front-Bench colleagues might conceivably want to extend the debate on the Bill and the treaty.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): May I correct that? Surely there is not much division on the other side of the House. The fact is that since Lord Ashcroft came into being—

Madam Deputy Speaker: Order. Once again, I remind Members that we are debating the timetabling of this particular piece of legislation. I ask Members to observe that. This is not a general debate.

Ms Hewitt: Thank you, Madam Deputy Speaker. I think that my hon. Friend made his own point.

As I said earlier, the obsessional nature of so much of Conservative Members' interest in the European Union has become increasingly plain, and it helped to propel them from office and keep them out of office for years on end, but the kind of debate of which we have heard so much from them this afternoon has an even worse effect. It compounds a problem about which Members in all parts of the House are increasingly concerned: public disengagement from Parliament itself. I am perfectly happy to see the Conservatives showing once again their true colours on Europe, and we will have many more opportunities to debate that following the programme motion. What worries me is that the kind of debate and the kind of points of order that we have heard this afternoon lead the public—my constituents and, I think, everyone else's—not just to switch off their television sets should they happen to stumble on the parliamentary channel, but to switch off completely from voting.

Mrs. Dunwoody: On a point of order, Madam Deputy Speaker. Is it not correct that if points of order or comments in the Chamber had been out of order, you and your colleagues would have ruled to that effect? Is it not wrong for us to seek to criticise the Chair?

Madam Deputy Speaker: The occupants of the Chair regularly rule on points of order, and on most occasions—although not all—the points of order are not relevant. On this occasion, it is important that we debate the timetable motion that is before the House.

Ms Hewitt: Thank you for that guidance, Madam Deputy Speaker. As I hope I have been making clear, I strongly support the Government's proposed timetable.

I deplore the nature of much of this debate, as it serves to compound the serious problem of public disengagement from our parliamentary processes. I look forward to there being a better debate—which will be facilitated by this timetable—on the substance of the Lisbon treaty, which I strongly support. I urge Members, and especially my hon. Friends, to support the Government motion.

7.20 pm

Sir Patrick Cormack (South Staffordshire) (Con): I have a personal regard for the right hon. Member for Leicester, West (Ms Hewitt), but that was a patronising speech; it did not do her justice, and it was an insult to the House.

This afternoon, we are debating Parliament. I do not want to bang on about Europe, as the right hon. Lady inelegantly put it. I want to bang on about Parliament, because I, like my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer), remember the days when we in this House truly did debate issues. He and I were first elected in June 1970. The hon. Member for Crewe and Nantwich (Mrs. Dunwoody) had been out of the House by then and she came back, so she remembers even earlier times in this Chamber. Two Bills that we debated then, ad infinitum as it seemed at the time, will always remain in my mind: the industrial relations Bill that the Heath Government introduced in 1970 and the Bill that took this country into the Common Market, as it was then called—both of which my right hon. Friend and I gladly supported, and would do again. We debated at great length, often through the night, and dozens of amendments were moved with eloquence and skill by Opposition Members—who were then Labour Members. I will never forget the oratory of people such as Eric Heffer

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and John Mendelson. We new Conservative Members, sitting on the Government Benches and supporting the Executive, found them tiresome, but what were they doing? They were behaving like true parliamentarians; they were holding the Executive to account.

Mr. Gummer: Will my hon. Friend be careful to remind the Government that his point applies to all that they have done to weaken Parliament since they came to power? It is a criticism of permanent guillotines, shorter hours, and asking for more money for doing less work and not holding the Government to account.

Sir Patrick Cormack: It is, indeed, and my right hon. Friend makes many of the points I was seeking to make—so I shall, perhaps, now make them more briefly.

The current Government treat Parliament with contempt. The Conservative Government who were in power for 18 years did, from time to time, introduce guillotines, which I did not always support; I voted against them on a number of occasions because I thought that they were wrong. I believe that it is almost always wrong to curtail debate in this Chamber, although I accept that a Government, who have a mandate from the country, do at the end of the day deserve to get their business through. However, within a year of this Government coming to power, we had moved towards the automatic timetabling of every Bill. Now, whenever a Bill receives its Second Reading, the next motion on the Order Paper is that that Bill shall be timetabled. We are told when it will leave this Chamber, when it will come out of Committee and when its Report stage will finish. If our hours were open ended, that would not be so bad, but as it comes side by side with the change in parliamentary hours many pieces of proposed legislation go to the other place having been very imperfectly scrutinised here, and sometimes with whole sections of them not having been debated at all.

Mr. Sheerman: Is the hon. Gentleman not in danger of being a little selective in his recollections? He and I remember past years—certainly the 18 years when his party was in Government—and, without being partisan, is it not true to say that there has been a steady decline in the freedom of the House, as there has been an increasing use of Whips, and of timetable motions such as the one we are debating? That is not new to this Government; there is a process that we can catalogue. Also, the hon. Gentleman said there were great debates in former years, but is he not being unfair to the excellent debate of last Monday? I heard some fantastic speeches then, including one from the right hon. and learned Member for Rushcliffe (Mr. Clarke), who is a scarce bird on his party's Benches because his views on Europe are very unpopular with other Conservative Members.

Sir Patrick Cormack: I was tempted to ask the hon. Gentleman to give way. Of course there has been a steady erosion in Parliament's role—I made that point—but the current Government are the ones who brought in automatic timetabling.

The hon. Gentleman referred to last Monday's debate and I agree that, from the point of view of oratory, it was a debate of quality, but Members' speeches were restricted to eight minutes, and I do not believe that it is consistent with the best form of parliamentary democracy to have tight limits on speeches. It was also, in all, only a five-hour debate on issues of such importance, because there were two statements. When we debated whether we should join the Common Market, we discussed the matter for a week, day after day after day. Last week, we should at the very least have had a two-day debate—and I completely agree with the hon. Member for North Southwark and Bermondsey (Simon Hughes) that we should have two days for this Bill's Third Reading debate.

Members are parties to an emasculation of our own powers. I do not refer to the Modernisation Committee when I am chatting with friends; to me, it is the "Emasculation Committee", because it has taken away powers from this Chamber in so many particulars. I believe that the automatic timetabling of debate is the worst thing that has happened to Parliament in the past decade.

Mrs. Dunwoody *indicated assent.*

Sir Patrick Cormack: I am glad to have the assent of the hon. Lady, who is a great parliamentarian, and who has done a great deal to uphold the honour and dignity of this House during her time in it.

We are today faced with an absurd motion, because the Government are again breaking their promise. I have twice in this House questioned the Prime Minister at the Dispatch Box, by asking him what he is going to do about this Bill when it comes before us if we are not to have a referendum. My own position on referendums is that I would prefer that we had not departed down that road in 1975, but we have now established a precedent for holding referendums on constitutional issues, and this issue certainly qualifies. However, if anything might have made me waver and return to my former belief, it would have been the Prime Minister saying, "There will be no timetable. There will be an adequate and proper opportunity for Parliament to debate and discuss the treaty and all its ramifications, as it will bind this country for a long time to come."

Although there are many aspects of this treaty that I personally do not find offensive, I cannot say that it is inconsequential or unimportant: it is very consequential and very important, and we should have a proper opportunity to discuss it. That the Prime Minister has produced this timetable motion is an abdication of his pledge to put Parliament back at the centre of our national life.

Here we have before us this ridiculous and insulting series of propositions, meaning that, on these various days, we will have one and a half hours to debate however many amendments have been tabled. I think it was the hon. Member for North Southwark and Bermondsey who said that tomorrow, 27 amendments are down. You will barely have a chance to read them, Madam Deputy Speaker—or whoever is in the Chair—because there will not be an opportunity to debate and discuss 27 amendments.

It is vital, in dealing with issues of major importance, that Front Benchers have a reasonable time to explain

the propositions they are putting before the House and to take interventions. The Minister was exemplary in that regard this afternoon, but as I pointed out earlier—my right hon. Friend the Member for Richmond, Yorks (Mr. Hague) referred to this in his excellent speech—he took virtually an hour and a half just to deal with that. If we are to have adequate Front-Bench speeches of explanation, and adequate, probing Opposition Front-Bench speeches—I include both Opposition parties—that seek to expose the fallacies of whatever is before us, what time is there, then, for Back Benchers to come in? It is utterly crucial that Parliament does not hand over not only all Executive authority, but all prime debating time to those on the two Front Benches.

Simon Hughes: I very much agree with the hon. Gentleman. Does he also agree that we need to make a wider change? When there is a treaty for Parliament to agree, should we not have a procedure that allows us to examine it, as well as the legislation implementing it?

Sir Patrick Cormack: Yes, I entirely go along with that, but I want to come back—I do want to be called out of order; that would be terrible, Madam Deputy Speaker—to the motion before us, which to me is utterly and absolutely unacceptable.

The amendment, as put down by my right hon. Friend the Leader of the Opposition and his colleagues, is barely better. It is better, because it provides for six more days, but that allocation still is within the constraints of time. It divides the six hours into three and three, rather than four and a half and one and a half, and in most subjects that is probably better. However, it is still a very imperfect instrument, and I would much rather, as my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) would, that we debated this in the old way and had amendments that could be properly tabled and fully discussed.

Mr. Gummer: In stating that conclusion, does my hon. Friend not agree with me that it is even more important for those of us who do not believe in referendums, and who in fact think this a perfectly reasonable treaty, to have the time to discuss that? Does he not agree that it is not just a question of providing for people who disagree, but of providing a sensible parliamentary base for those who do agree to put forward their arguments?

Sir Patrick Cormack: Of course it is, and I did refer to this issue in passing while my right hon. Friend was briefly out of the Chamber. I am one of those who are midway between the party's official position and his. I find much of this treaty acceptable, and some of it I do not. However, the fact is that if it is going to be debated in a parliamentary forum, and if the people are not to be given the chance to have a say—as I believe they should, because of the precedent that has been set—there must be the fullest possible debate and scrutiny. The right hon. Member for Leicester, West talked about people becoming disillusioned with Parliament. They are disillusioned, not mainly for the reasons to which she alluded, but because Parliament has indeed been emasculated. We are a minor talking shop on the fringe of British politics—that is what we have become during the last decade.

Rob Marris: Will the hon. Gentleman give way?

Sir Patrick Cormack: No; perhaps later. I find that deeply depressing and deeply distressing, because this Chamber should be the cockpit of the nation. This Chamber should be full at the moment. One of the main reasons why it is not—of course there are other causes, such as conflicting demands on time and televisions in Members' offices; one knows about all those things—is that people do not feel any more that what they say in here really will count. They certainly know that their comments will not be reported in the press tomorrow morning, because all the press have abandoned proper parliamentary coverage. That is another significant and regrettable development of the last two or three decades.

However, those of us who believe passionately in Parliament—who want this place to function, and who believe that it can be brought back more or less to where it was in terms of influence—should make a real point of attacking motions such as the one before us. I am extremely sorry that an articulate and excellent Minister such as the one who will reply to this debate, a man for whom I have a great deal of time, is party to such an appalling Executive conspiracy.

What we are really talking about tonight is not a particular Bill, but a principle—the principle of the balance of power between the Executive and the legislature. Where, as in our country, the Executive is drawn from the legislature, there is an underlying right—I referred to it earlier—for the Executive to get their business, but not at the expense of scrutiny and debate. We have to hold the Executive, from whichever party they come—

Rob Marris *rose—*

Sir Patrick Cormack: The hon. Gentleman was not here at the time, but I sometimes made life a bit miserable for some Ministers in a Conservative Government, and I made no apology for that, any more than my hon. Friend the Member for Macclesfield (Sir Nicholas Winterton) did, and he was very good at that. However, the fact is that we were acting as we saw it—perhaps we were wrong sometimes, nobody is perfect or infallible—and we were doing what we conceived to be our parliamentary duty. That duty has been taken away from us by the move to automatic timetabling, and particularly by the motion before us tonight.

7.37 pm

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): It is a pleasure to follow the hon. Member for South Staffordshire (Sir Patrick Cormack), because I find myself in agreement with so much of his speech. He will understand that that is not always the case—on matters cultural, yes; on matters political, not always. However, the points that he made are important ones.

Sometimes, we in this House mislead ourselves by thinking that those who vote for us automatically understand what we do in Parliament. They do not really understand the procedures of the Houses of Commons and Lords. They do not understand the creation of a law, or the fact that non-lawyers can sit here and debate in great detail aspects of governance that affect our constituents at every stage of their lives. They rely, in an unspoken pact, on those who are elected to the House of Commons to represent their interests. That is what we are here for, and what they

[Mrs. Gwyneth Dunwoody]

expect of us. They also rely on us to look closely at the work of the Executive, and to fulfil our responsibility in understanding what the Executive are proposing and how it will be translated into statutes and the law of the land.

Frankly, I am not surprised that the press do not take a great interest in procedure and timetabling when we talk about that, because many people outside here do not understand that control of procedure in this place is what gives real power to those who manage our agenda. If, as a member of the Whips Office or a Cabinet Committee, someone manages to decide when their Bill is to be debated and how long for, who will sit on the Committee to debate it, when it will come back to the House and what will happen to it when it reaches another place, that gives them considerable advantages and, in some instances, can determine whether the Bill will get on to the statute book. When Members of Parliament are confronted with a timetable motion, they must ask themselves who will benefit from the procedure. They must ask who will get the advantage from ensuring that this House, which contains myriad different views on the political implications of this treaty, debates the matter at sufficient length for the people outside this House to understand the implications of what we are doing.

I am concerned about the timetable motion. My right hon. Friend the Member for Leicester, West (Ms Hewitt), who is no longer in her place, was concerned that we were debating, raising points of order, disturbing the Minister and taking time. She felt that was not a serious way of proceeding to examine the substance of the debate, yet it is exactly what Members of Parliament are supposed to do. We are supposed to ask the Minister handling the Bill why they think that they have given us sufficient time closely to examine what is in the legislation. We should ask why the Minister thinks we are so worried about not having sufficient time to debate it.

There are as many different views in the Conservative party about European legislation as there are in the Labour party. The Liberal Democrats may even have some differing views—I am not sure about that, but they have an endearing habit of inconsistency. Therefore, we ought to understand that we ought to have the right to express those views in this Chamber. I do not expect to agree with the right hon. Member for Suffolk, Coastal (Mr. Gummer) or the right hon. and learned Member for Rushcliffe (Mr. Clarke), who was my pair in a previous life. I can honestly say that it was a good idea that we were paired, because we did not agree on anything. The reality is that the House of Commons ought to examine the transfer of powers, the behaviour and rights of sovereign Governments, the constant and encroaching demands of European institutions across the board and the way in which those institutions introduce directives and regulations, and decide what will happen in so many of our basic industries.

We ought to debate such things in this Chamber, not anywhere else. We ought not to rely upon television studios or articles in the press. The debate that means that the arguments can be tested ought to take place here. Let somebody argue with me about the strength of my views here, where I can be interrupted, where people can question and where they can put on the record the things about which they think I am wrong. We are not going to be given the chance to have that debate.

I am concerned because the Labour party has always fundamentally believed in the free and fair treatment of human rights, yet in the chase for management control we are doing exactly those things that I would find wholly unacceptable in a Government of any other colour. It therefore behoves us to make it clear why we are so concerned tonight. The Minister for Europe is an engaging young man, and he perhaps gave us a little hint as to what the reasons are. He said that during the Maastricht debate the Chamber had been the resort of two or three lonely souls. If any individual Member of Parliament is not able to raise their own views either in here, even in an empty Chamber, or elsewhere in the House and demand that they are answered by a Minister, I will know fully and finally that we have come to the end of our democratic representation.

I say to Ministers that of course it is more convenient to be able to restrict debate and it is always more comfortable for them to get their legislative programme on to the statute book in the way that they want, but they are saying to the House that they have changed the procedure, they are going to have thematic debates and hon. Members will be able to vote on their amendments afterwards—how very convenient.

I love thematic debates and have no difficulty in taking part in them, but the reality is that in this place what matters is what goes on to the statute book, and that is framed in amendments, although they may frequently be confused and sometimes not very well drafted. That is what makes the law, that is what we are here to do and that is where our responsibility lies. Those who genuinely think that they can manage a matter of this importance, whatever one's view, as though it were an agenda for a business meeting, betray their commitment not only to the House of Commons but to the democratic system.

We believe in democracy and ask for our constituents' trust because we know that we have a responsibility not to frame unfair, badly drafted, incompetent and wholly unacceptable laws—that is what we are here to guard against. This Parliament did not create itself overnight. It took many hundreds of years before we reached the stage where we were able to do that on an equal basis and in a responsible way that makes the world outside listen to us and talk about the mother of Parliaments. That, to me, is what matters. I came here many years ago because I believed that the House of Commons was the place where we took responsibility for writing, debating and understanding the laws, and for looking after the interests of our constituents and our voters. Those who bring forward a blatant piece of management, such as this timetable motion, seek to undermine that responsibility and it does them no credit.

7.46 pm

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): My heart leaps when I behold the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) rising in her place, as of course it does when I behold my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack).

This debate is essentially about our constitution, our freedoms and liberties and our procedures. The former Secretary of State for Health, the right hon. Member for Leicester, West (Ms Hewitt), had, in the fat years of new Labour, grown used to seeing this place merely as a Chamber for public announcements. That is what we have become and that is what we reduce ourselves to. How can the Government conceive of such a new procedure to address fundamental propositions that are to become the law of this land in a process that seeks to bind us and to override, in a sense, parliamentary sovereignty, or the sovereignty of the people? They do not trouble themselves to stop and ask, "But who do we represent?" If I tell people something, how do they protest against it? I will have to turn round and say that it is put in a tablet that rises far beyond this Chamber and is more important than us here.

To construct something such as this motion is shaming for a Government. They have lost their rationale and sense of purpose, and in doing so they make us open to being an object of contempt. God save the health service after the speech by the right hon. Lady, the former Health Secretary. What was she saying? She has had many chats with her constituents who apparently say that they want to hear Parliament discuss thematic schemes. Perhaps they do, but I have constituents who also want the death penalty back and who want all manner of things discussed. Such things are reflected in the motion before us, because it refers to a charter of rights. Among those things is the supremacy or otherwise—I do not know where it stands in this—of the European convention on human rights. We are charged, as was rightly said by my hon. Friend the Member for South Staffordshire and the noble lady, the hon. Member for Crewe and Nantwich—*[Interruption.]* It is true, she is noble. She reminds us of why we are here. We noted and then, I am sorry to say, largely ignored the exposition by the hon. Member for Wolverhampton, South-West (Rob Marris). It is so creeping to support the position of one's Government on something that he, as a solicitor representing a client, would not accept as the basis for a deal.

I remind the House that the most intelligent breakdown of the issues at stake, to take just home affairs and justice—which we are supposed to consider tomorrow—was made by my right hon. Friend the Member for Richmond, Yorks (Mr. Hague). His exposition should be sent to every Member of Parliament. Someone also made the observation that many of these contentions would, under our normal processes, have to be introduced as individual measures in the form of a Bill, but they are now all rolled up into one.

The Secretary of State for Culture, Media and Sport, when he was briefly the Chief Secretary, seemed to toy with the idea that we could not even reject taxation—the very cause that fired the 17th century. In the 18th century, the slogan "no taxation without representation" held a strong power. He did not even understand the constitutional basis, but he tried to tell us about the management of the Maastricht Bill. He also told us—we heard it time and again from those on the Front Bench—about Mrs. Thatcher's rebate. He was 14 at the time. Do he and the others behind this motion really know the history of their country? Do they understand the vitality and vigour with which the Crown had to be captured? Now the Government flaunt themselves before us, demanding that we cut down consideration to that which they alone have judged to be correct.

There are no wise heads now in great Departments of state. I do not know what clever young man or woman came up with this shaming construct, but where was the reasonableness of the sane, experienced politician, someone who had enjoyed the honour of the great offices of state, to say, "This will not do"? We did not even see this motion—this profound change in the manner in which we address a great constitutional issue—until last Wednesday. Do we honestly think that that is appropriate?

I sincerely hope that the motion is defeated, but if it is not, tomorrow we are expected to conform with it and to debate and dispense with the most profoundly important issues—criminal law and justice, the central responsibilities with which we are charged. There is no way that this House, in a rational mood, should accept that, but we have become so partisan.

As my hon. Friend the Member for South Staffordshire said, the Government now even try to equate their systematic guillotining of every Bill with the years of Mrs. Thatcher. I used to follow the issue closely, but it does not need to be followed closely any more because there is now a sledgehammer beating away at our traditional liberties. If we are personalising the debate to one Prime Minister, we could say that Mrs. Thatcher guillotined about 42 Bills. That required some 63 guillotine motions, because in those days it was necessary to show respect to the other place. When it accepted an amendment, we had to consider it. This impatient Government will have none of that. After an hour or an hour and a half of debate, they bat Lords amendments straight back. The Executive want to ensure that they get their business.

The first decision was on the hours of the House and how long we should sit, but it should have been the other way round. The question should be what business do we have to do, and then we can ask how many hours are necessary to consider it. Ministers seem to think that 36, or even 50, hours of discussion of a Bill, even one that covers such a range of issues, is wholly adequate. Almost every free contributor to this debate—by which I mean even the good fellows who try to support their Front-Bench colleagues through thick and thin—must know that this has gone too far.

All three parties, and now the Scottish Nationalists, the Scottish Parliament, the Northern Ireland Assembly and now even the Welsh Assembly, want a referendum on this issue, but the one thing that the Government promised is not in the motion. We do not know whether a referendum amendment will be selected. It should have been a Government amendment to honour their promise, but everyone knows that they are hoping it will not appear on the Order Paper. Every hon. Member knows that millions of men and women will think, in the back of their minds, that their representative asked for their vote predicated on the undertaking that if this treaty were approved, the people would be the ultimate determinants of its fate.

The failure to respect that undertaking is a big breach of a solemn understanding. It troubles the Liberal Democrats, as we have heard. They have constructed a new theology on the point, and we all heard the remarkable contribution by their leader. He said that he would vote against the Government on a referendum clause, except if they were going to lose, in which case he would vote with the Government. These are matters of high principle,

[Mr. Richard Shepherd]

and the knockabout sounds childish and trivial, but that is why this House is marginalised too often—it is not even held in contempt, but marginalised. We have become the backcloth for the Executive to parade around our Parliament, the country and the world. The House no longer engages in debates of substance, such as whether these general thematic debates should take precedence over the very substance of the Bill—the clause stand part debates and so on that should inform the general debate. We should hear the arguments and then have the general debate. That was a point well made by the Liberal Democrat spokesperson. We have things the wrong way round.

As for the marginal point—it is not a marginal point, but it is treated as one—that Mr. Speaker could, in case of a national emergency, elect to address in precedence to the business of the day, the Minister failed to understand that if the Government protected the business, it would not matter if three hours were taken out at the beginning of the day because it could be added on at the end. We struggled to get that simple point through to the Minister for Europe.

I am not surprised that the Foreign Secretary is elsewhere engaged. He has had a rough time in the exchanges on the Floor of the House. His enthusiasm for the causes that he knows are so right and just disables him from understanding that these are matters of passion, of justice and of the credibility of this House. We should, as Members of Parliament, get the Government to revert to the old process, by which such matters are properly and effectively discussed.

7.59 pm

Andrew Miller (Ellesmere Port and Neston) (Lab): I listened with great interest to the hon. Member for Aldridge-Brownhills (Mr. Shepherd). I respect the sincerity of his views, but I do not think that they take into account the reality of how the world is structured today and how communications buzz around the world as quickly as light. The relationship between this House and every other Parliament and constituents has changed to such a degree that we need to reflect on it. It requires us to rethink our procedures, both for debates such as this and in respect of many other things that we do in the House. It has always been my view that the principal weapon of opposition in the modern age is not time but timing. We can have that debate some other time. I respect the views that he expressed.

Mr. Graham Brady (Altrincham and Sale, West) (Con): If the principal weapon of opposition should be timing, is the hon. Gentleman concerned about the prescribed division of each day into four and a half hours of debate on general principles and one and a half hours of debate on amendments? Surely he should agree with us that the Opposition should have freedom and flexibility.

Andrew Miller: I would need to drift away from the subject before us to answer that. My point had to do with how Bills are dealt with in Committee Upstairs—huge amounts of time are spent dragging us through them sentence by sentence rather than principle by principle. If the Opposition dealt with the principles and timed their attacks correctly, they would be more effective. I have always taken that view because of my relationship with a huge number of people in the communications world, in which I have a modest amount of expertise. It is just a starting observation.

On a slightly lighter point, I was amused by the attempt made by the right hon. Member for Richmond, Yorks (Mr. Hague) to create a union between the hon. Member for Stone (Mr. Cash) and the right hon. and learned Member for Rushcliffe (Mr. Clarke). Perhaps Opposition Members could not see from their seats, but from here I saw that the union resulted in the right hon. and learned Member for Rushcliffe looking a bit like the blushing bride or—perhaps more appropriately in his case—as though he had had a good night out at Ronnie Scott's. He was deeply embarrassed by the assertion.

The hon. Member for North Southwark and Bermondsey (Simon Hughes) made a perfectly fair point about the rationale behind the themed debates. Given that he and I are not a million miles apart on the substance of the treaty, that point ought to be subject to more serious debate this evening. I looked rather carefully at the themes from the outset, because I wondered what the logic was, and I have identified a rationale. I shall not deal with all the points made, because it is not fair to hon. Members wanting to contribute to this debate—

Rob Marris: Oh, go on.

Andrew Miller—tempted as I may be by my hon. Friend.

On justice and home affairs, for example, the UK has a huge amount to gain from working with EU partners to tackle cross-border challenges such as illegal migration, organised crime and terrorism. I think that we would agree on that point, and I think that we would also agree that the international dimension of those issues means that we can help other countries to help solve some of our problems.

For example, I have a long-standing relationship with political parties in Malta, because I spent a big chunk of my childhood there. As colleagues know, Malta has enormous problems as a result of illegal immigration and human trafficking in the Mediterranean by organised criminals; those problems stretch beyond the resources of that small country. If there was not European co-operation to help that small nation address the serious, important human tragedies that affect many of those illegal immigrants—if we did not seek to address those problems on a pan-European basis—it would not only be irresponsible, but would worsen our difficulties in places such as the constituency of the hon. Member for North Southwark and Bermondsey; no place is a better example. There has to be a pan-European dimension. It is vital that, in the debate on that theme, we have a structured discussion that enables us to explore how the treaty will enable co-operation.

Rob Marris: I think that the motion gives us sufficient time to discuss the issues that my hon. Friend raises. On Malta, I have a constituent who claimed asylum in the United Kingdom. Through our co-operation with Malta, we found out that she had claimed asylum in Malta four years ago. She had to be deported to Malta, her first port of call. We already have that sort of co-operation, but we need to explore the issue further in the time for debate on that theme, which I think is sufficient.

Andrew Miller: Of course I accept that point. Most importantly, the treaty makes it crystal clear that the UK will be able to choose whether to participate on justice and home affairs measures, which cover visas, immigration, asylum, judicial and police co-operation, and criminal matters. A debate of substance ought to take place on that, and I can certainly see the argument for it being partly the subject of a themed debate.

The same is true of energy. My constituency springs to mind; it is a significant energy user because of the chemical industry there. We need a proper, structured solution to the unfairness in the energy markets across Europe; nowhere is that felt more keenly than in north-west England. The Lisbon treaty provides the EU with a dedicated legal base from which to tackle the liberalisation of the energy market, so that we can promote renewables and so on. That must be good. That is a powerful reason why energy ought to be the subject of part of the themed debates. I could take the House through the other sections of the motion, but in fairness to other colleagues who want to speak, I shall not.

I hope that the hon. Member for North Southwark and Bermondsey will accept that although one can come up with all sorts of arguments about how such debates ought to be structured, there is some sort of rationale justifying the approach that has been taken.

Rob Marris: Is my hon. Friend as surprised as I am to hear some Members of the official Opposition putting a view reminiscent of the view taken by far-left Labour Members 30 years ago, which my hon. Friend will remember? Their attitude was to have no timetable for anything, in the hope that the good folk in the Labour party would leave and the nutty lefties would be able to control the agenda at the end of the evening, at 2 o'clock in the morning.

Similarly, there has been a backward-looking lack of recognition in today's debate that an MP's role has changed. Of course, Members on both sides of the House must scrutinise the Government, but we must also accept that we have a growing volume of constituency duties. To hold open-ended debates that run through the night is not a good way to scrutinise the Government, as it effectively eliminates those who wish to do a good job for their constituencies as well, and cannot be here all the time.

Andrew Miller: It comes back to the point that I made about the use of timing rather than time. I do not suppose any right hon. or hon. Member, however long they have been here, has received many letters from constituents saying, "Congratulations. It was really good to see you on your feet at 3 am." Most people think that that is a daft way of conducting business, and believe that we ought to look at things slightly differently.

My hon. Friend the Minister implied that the Government had got the allocation of time about right. I want to explore that gently with him, and I invite the House to look at the procedures adopted by other countries. Ireland is an obvious exception, because it is bound constitutionally to adopt the process. One country has already ratified the treaty—Hungary, which spent less time debating the treaty than we have spent debating procedure this evening. No hon. Member will say that the approach adopted by Hungary, with its extraordinary history, is less democratic than ours. It is different, and there are differences from which we can learn. The most significant difference is that the official Opposition—the Fidesz alliance, which is a Conservative grouping—agreed with the Government that the treaty should go through. There was no attempt by the Opposition to oppose the treaty just because they were the Opposition: they took a responsible approach as a result of negotiations that took place not in a few hours on the floor of the Hungarian Parliament but over a number of years, and began with the process that resulted in Hungary's accession to the EU—in which I played a small part.

The process in Hungary was profoundly different from the one adopted here, and from the one adopted in Ireland. I suspect that as the rest of the countries undertake their own procedures, there will be a spectrum of approaches. However, there will not be many countries, if any, that spend more hours than us dealing with the matter in their debating chamber. There are many other types of Committee process. On reflection, when we look at this in future, perhaps we will see whether there are any lessons to be learned from the processes adopted elsewhere.

Mr. Shepherd: I am sorry if my intervention keeps the hon. Gentleman going, but of what relevance are other countries' constitutional procedures to our own common law-based procedure, as opposed to their civil law tradition, and of what relevance is the matter to the motion?

Andrew Miller: Ireland has a common law system, but every other country is different. *[Interruption.]* Yes, it will have a referendum—that is built into its constitution. Perhaps hon. Members have not noticed that we do not have such a constitution. It is relevant to look at other countries, because we live in a global society. To ignore things that happen in other countries is to do a disservice to our country and to our constituents. That may be the Conservative way of doing things, but I do not think that it is the correct way of doing them.

The hon. Member for Aldridge-Brownhills criticised the process for debate, and argued that it was wrong to hold a general debate followed by one on amendments, because we have always done it the other way round. However, he did not provide any logic to explain why it was wrong. I take his point—it is a different process—but I did not hear any logical arguments. His defence appears to be: "We do it this way, because that is how we do it", rather than because it is the right way.

Mr. Shepherd: I know that the hon. Gentleman wants to use up time, because of the paucity of speakers on the Government side, but that point was made more succinctly and effectively by the hon. Member for North Southwark and Bermondsey (Simon Hughes).

Andrew Miller: I accept that the Member for North Southwark and Bermondsey made a succinct case, which is why I did not criticise his observations. I was criticising the hon. Member for Aldridge-Brownhills, who made an impassioned plea, but there was no logic to his case. That is why I was picking on his view.

Mr. Shepherd: I apologise to those present in the Chamber, but that is simply absurd. This is a debating Chamber, and we build on other people's arguments. To shorten speeches, we often accept that argument,

[Mr. Shepherd]

because we believe that the case has already been made. I know that the hon. Gentleman believes that he must labour every point to the end of time, but we will wait for him to understand and bring together some of the arguments that are germane to his case and accord with the views of many hon. Members.

Andrew Miller: For someone who is labouring the point, perhaps I should resist giving in, and stop taking any further interventions from the hon. Gentleman. The logic of the case made by those who have spoken against the motion is that the debates on the substance of the treaty occur in isolation, and are remote from many other debates on all those themes, subjects and chapter headings. Debates do not take place in isolation, and I will illustrate my point with a rather extreme example. Most hon. Members can readily predict which way the hon. Member for Stone (Mr. Cash) will vote.

Mr. Simon Burns (West Chelmsford) (Con): The hon. Member for Ellesmere Port and Neston (Andrew Miller) never disagrees with the Government.

Andrew Miller: The hon. Gentleman cannot be certain about that.

Mr. Burns: He wants to be a Minister—*[Interruption.]*

Andrew Miller: That is a very generous offer, but not on his side.

These debates do not occur in isolation. We know precisely where most people stand. My hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) made an interesting observation, when she said that this is the place to look after our constituents. I agree with her, but we do not look after them by holding endless debates about process. We should focus on the themes established in the motion. I have some differences with Ministers.

Mr. Harper: The Minister is worried now.

Andrew Miller: They know about them. Those differences concern certain aspects of the way in which they are tackling matters that are dealt with inside the EU. For example, the Government need to address the long-standing problem of temporary and agency workers.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I suggest that the hon. Gentleman save that for another occasion. We should stick with the motion and amendment before the House.

Andrew Miller: I did not accept the logic of the amendment tabled by my hon. Friend the Member for Hemsworth (Jon Trickett), which was discussed earlier. That was the context in which I made my comment, which I was not going to develop. My hon. Friend's amendment does not lead to a solution on employment rights, and his argument that we should have a separate debate on fundamental human rights is flawed.

The choice of debates should reflect issues of national importance. There are opportunities in the way in which the debates have been structured to address fundamental issues of national importance such as energy and climate change, which affect our constituents. I therefore argue that the approach is about right.

The Conservative amendment is an attempt to finesse the Government motion, and there is an argument about which way is best. However, the Government's approach will work, because it will result in a series of meaningful debates, which I hope considerably more hon. Members will participate in than will participate in this slightly tedious debate about procedure.

I apologise for having taken so long to explain my point.

8.22 pm

Mr. Bernard Jenkin (North Essex) (Con): The hon. Member for Ellesmere Port and Neston (Andrew Miller) has summarised his argument effectively. He thinks that the debates on the Bill should be about matters of national importance and that Labour Members should decide which issues are of national importance. Those issues will then be imposed on this House, and if anybody else in the Chamber thinks that there are matters of national importance that the debates do not address, then that will be tough.

Andrew Miller *rose—*

Mr. Jenkin: I will not give way to the hon. Gentleman, who spoke at considerable length. We gave him plenty of rope, which he used effectively—his speech was dire. The exchanges between the hon. Member for Ellesmere Port and Neston and the hon. Member for Wolverhampton, South-West (Rob Marris) showed how democracy in this House is intended to evolve according to new Labour. The hon. Member for Ellesmere Port and Neston said that we should discuss things not "sentence by sentence" but "principle by principle". How can anyone who has the least tendency to discuss issues of legality separate sentences from principles? That is what they do in new Labour, however, which is why the Government have tabled this appalling motion.

The hon. Member for Ellesmere Port and Neston assumes that he knows what it is best to discuss, as do the Government, who tabled the motion. For example, he has explained that energy is an important issue, but who should decide what this House discusses? The Members of this House should decide that. The beauty of the old-fashioned, outdated and passé Committee stages of Bills is that the Clerks and you, Mr. Deputy Speaker, put the amendments into a logical order, so the issues themselves have the merit of determining the nature of the discussion or the order in which the discussion takes place, rather than having the Executive do it for their own convenience.

I was amused when the right hon. Member for Leicester, West (Ms Hewitt) discussed the disillusion with which people greet debates in this House and politicians generally. It was not Conservative Members but the Government who chose to table this technical, nit-picking procedural motion. All Executives have an agenda of trying to downgrade and downplay the importance of those who are meant to hold them to account. That is the nature of office, which is why Margaret Thatcher and John Major passed guillotines, but the trend has been getting worse.

On that point, my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) ably and passionately pointed out the great traditions of this House, and I congratulate him on his speech.

I will support the amendment tabled by my right hon. Friend the Member for Richmond, Yorks (Mr. Hague), albeit that it is highly unsatisfactory; I was extremely relieved to hear that my entire party will vote against the whole principle behind the construction of the timetable. I am not a luddite about timetables, but they have their problems. One disadvantage is that they enfranchise people who just want to fill time, because there is limited time to fill. They also tend to curtail discussion, often at a very interesting point, which is another disadvantage.

I am not opposed to timetables in principle. I was a shadow Constitutional Affairs Minister when we considered the Scotland Act 1998. I persuaded my right hon. and learned Friend the Member for Devizes (Mr. Ancram) to get the usual channels working, because we knew that there would be a guillotine, which is more unsatisfactory than a timetable that reflects as much consensus around the House as possible.

Before my hon. Friend the Member for Aldridge-Brownhills starts rumbling, I have full sympathy for his point that any kind of timetable is a disadvantage—we have encountered the disadvantages—but we agreed to a timetable on the Scotland Act 1998, which was an innovation. We proceeded on the basis that the great principle had already been settled in a referendum, which is not the case with the Lisbon treaty, and that we could agree where the knives would fall throughout the day in order to facilitate discussion and to move it on to a variety of topics, which is nothing like what we have here. The Maastricht debates took place under the old system, and although the Prime Minister has invited scrutiny, this programme and the arrangements for the Maastricht debates cannot be compared. The Prime Minister has failed to deliver on his assurances.

My right hon. Friend the Member for Richmond, Yorks has pointed out the utter inadequacy of the time allowed to debate justice and home affairs, which have been forced into one debate. We are not discussing a law; we are discussing how laws in this country are made. We are discussing what the founding fathers of the United States constitution took 10 years to agree, but we are being asked to do it in 12 days.

My right hon. Friend referred to justice and home affairs; furthermore, defence is being truncated with foreign policy. I wish to draw attention to two relevant matters. In defence, we have a major innovation in respect of article 42 of the treaty on European Union: instead of a common security and defence policy that "may" include the progressing of common defence, and "may" lead to common defence, those words are being replaced with "shall" and "will". That is a very major innovation, and the idea that it should be truncated with other matters is extraordinary.

The Government have consistently assured the House that there would be no duplication of NATO. I would like plenty of time to discuss a mutual security clause that has been inserted into the treaty on European Union under article 42:

> "If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power".

We are embarking on a series of debates in which very large issues are at stake; I have just mentioned a stronger obligation than we have under the NATO treaty. Yet the discussion of that part of the Lisbon treaty is to be truncated and incorporated with a whole lot of other matters. That is, of course, entirely unacceptable.

We are led to believe that the Government motion has been tabled to help the House. The Minister said that it would give an opportunity to debate all the issues. What opportunity? Perhaps the Minister will address the point when he replies to the debate. What opportunity would we not have if we did not have this form of timetabled debate? What opportunity would this form of debate give that we would not have even if we were discussing amendments rather than having thematic debates? The answer, of course, is that there is no such opportunity. The Minister gave the game away when he said that the motion was to test the Government's policy on the EU generally. The debates are not about that: they are for testing how the treaty will be implemented into United Kingdom law. Under the Government's motion, we will spend less time discussing that than what the Government want to discuss.

As the hon. Member for North Southwark and Bermondsey (Simon Hughes) pointed out, the motion will put the Minister at the Dispatch Box in prime time, at the beginning of every day of debates on the treaty, as the discussion of amendments never would. That is a coincidence, of course; I am sure that the Minister will discover that only as the debates unfold. The Minister will be allowed to speak generally on topics of his own choosing instead of having to address amendments tabled by hon. Members. The Government have clearly been driven to table the motion for presentational reasons.

Earlier, my hon. Friend the Member for Stone (Mr. Cash) told me quietly in the Chamber that a great deal of thought must have gone into how the debate should be structured. I imagine that the spin doctors—although the Prime Minister pretends that he does not have any—had quite a say in the drafting of the motion. They would have been saying, "Look, if we go into a Maastricht-style debate, we'll lose control of the agenda. How can we control the news agenda?" They will control it by having the themed debates; each day, the Government will know exactly what they can say. They will make the case that they want to make, rather than address subjects raised by amendments.

The thing about amendments, unless they involve the Government clearing up their own mess in a Bill, is that the Government have to answer points made by people who are not in the Government. The beauty of the procedure that the Government have chosen is that the first three hours of every day will be spent debating subjects that they have chosen. It is the complete reversal of how a Committee stage should operate.

The Minister for the Middle East (Dr. Kim Howells): As the hon. Gentleman knows, I cannot abide spin doctors or stand being in their presence. I do not know of any discussions such as those that he has mentioned, but I am quite new to this debate. I suspect that one of the reasons behind the motion might be that sometimes—at least in my experience, and I have been in the House for more than 19 years—the procedural debate can eclipse the debate on the substance of a

[Dr. Kim Howells]

treaty, for example. All too often we do not have a chance to discuss what difference a treaty will make to people's lives.

Mr. Jenkin: I fully endorse the Minister's sentiment, but I would like to make two points. First, if we wanted to elevate the discussion in this country about the general principles of the treaty, we would make sure as a House that we honoured the promise that we all made at the last election—to have a referendum. However, the Government have for some reason abandoned that promise. I suspect that that has something to do with the fact that they do not really want to have a debate about the substance of the treaty.

Secondly, I put it to the Minister that the debates on the Maastricht treaty began with the public being alienated and disengaged from the process in Parliament, but as the treaty was scrutinised in such detail, as the disputes were inevitably covered in the press and on television, and as those disputes were often on matters of very close voting, they began to command public attention and to change public opinion, because in the end the detail of the law matters, as well as the principle.

I do not want to go on incessantly but just to make the point that the idea that the Government are doing something kind to the public and to this House by seeking to impose their agenda and control the agenda is complete nonsense. They want the opportunity to control the agenda, they are taking the agenda away from more impartial witnesses such as the Speaker's Panel and the Clerks so as to determine the order of events, they are unnaturally restricting the debate on the implementation of the treaty, and in the end they are not only strengthening the case for the other place to have extended and protracted debates on all the matters that will inevitably remain undiscussed in this House but strengthening the case for a referendum.

It is an irony that the very part of the procedure on day 11 that we hope will allow maximum time for debating the very important question of the referendum is itself being restricted, because the Government do not want discussed the fact that this treaty is almost identical to the constitution. That is the substantive point that the Government are running away from. I ask anybody who disputes that to explain to this House, in the limited time that we have available during these debates—perhaps the Minister can put it in a few words to encourage us to vote for his motion—just what, in a word, is so substantially different in the way that this treaty will operate from the way that the constitution would have operated. I cannot see it; I do not think that anybody can. Yes, we may have different architecture—different pillars, girders and construction—but in the end the building will be the same. Unless the Government can make the case that this treaty will lead to substantially different outcomes than would have arisen from the implementation of the constitution, we will know that their whole position is, frankly, a lie.

8.37 pm

Mr. William Cash (Stone) (Con): I am sorry that the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) is not here, because she got very close to putting her finger on the fundamental question—the absence in the so-called themed debates of crucial issues that need to be addressed. To my mind, the most crucial issue is the implementation of the treaty into United Kingdom law. All that those themes amount to is a collection of discussions that could have taken place in a generalised Adjournment debate of the kind that we had just before Christmas.

We have heard my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke)—I am glad to be able to say that—and my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer), as well as the hon. Members for Crewe and Nantwich, for Newcastle-under-Lyme (Paul Farrelly), for Linlithgow and East Falkirk (Michael Connarty), and for Hemsworth (Jon Trickett). We heard my right hon. Friend the Member for Richmond, Yorks (Mr. Hague) stating brilliantly, in a nutshell, that we are not being given an opportunity to discuss these matters properly.

We have reached a new nadir—a travesty of Parliament involving the application, in an unprecedented manner, of a new and, as I said earlier in a point of order, controversial innovation that is made that much worse by the manner in which it is being done. It is made that much worse because the new clauses are stuck at the back end of this operation and are to be dealt with on the same day, with only a moment of interruption, as the referendum clause. That means that essential questions that need to be examined will not be, such as the implications for the supremacy of Parliament and the fact that, once the treaty has gone through, based on previous examples, there would be no reversal of the acquis communautaire and no way to reverse it except through the condition set down in my new clauses about

"notwithstanding the European Communities Act 1972".

Similar considerations apply to the Bill of Rights, but we can deal with those problems when we get to them. I am concerned that under the Government's proposals, such matters will be dealt with at the end of our considerations without proper time for discussion, so it is more than likely that they will be pushed out by discussions on the referendum. If the supremacy of Parliament itself is to be put at that stop-end, there is very little future for this Parliament at all.

I would like to touch on the fact that, as Ivor Jennings said with respect to the question of conventions, the basis for a convention has to be the reason for the rule. Looking at the manner in which the motion has been put forward, it is impossible to find any rational reason in the context of discussion. Discussion was the system described by Bagehot, whom I think could still be regarded as one of the greatest authorities on Parliament and the constitution, if not the greatest. He said that we have a parliamentary system that is government by parliamentary discussion, and that responsible government is decided by votes on decisions, which rest on confidence and trust. Is this government by discussion? No. Is it responsible government? No. Is there confidence and trust? No, no, no. Implementation of law is not implementation of policy. In the context of procedure, I also cite Main's "Ancient Law", where it was said that justice is to be found in the "interstices of procedure". It is not possible for us to do justice in this House under a procedure of the sort before us today.

Setting aside the allegations of corruption that currently attract the attention of the media, what we are witnessing

today is a true corruption of our democratic system—a reduction of Bagehot's description of government by discussion to a farce. Another great constitutional commentator, Sir Courtney Ilbert, stated:

"Parliament of the present day has largely reverted in substance to the...Parliaments of the first Edwards under which the King...made the laws".

That was said in the 20th century and repeated in an important, authoritative text recently, which stated that things are the same today as they were when Sir Courtney Ilbert made his comment. The Stuarts were very little different, hence the rebellion that took place against them in the civil war, and that continued even after 1660, with the removal of James II and what led to the beginnings of our modern system of government. Those are the issues at stake.

Anyone who thinks that analogies with the 17th century are inappropriate should remember that the powers being arrogated today by the Prime Minister and the European Union—a thoroughly undemocratic body—are in no way different from the kind of powers arrogated by the Stuarts in their own time. Indeed, the secret treaty of Dover was made in return for money that was received from the French explicitly in order to prevent Parliament from being recalled so that there would be no proper discussion. That was what it was all about.

I believe that as a consequence of the proposals in the motion our parliamentary system is being fatally undermined. I am deeply disturbed by the way in which this motion has been put forward.

In my judgment, the draining of the well of the clear spring water of our democracy has left at the bottom a fetid sludge that has been dominated by the direction taken by the Government and the Government Whips. The Foreign Secretary refers to our concerns as "institutional navel-gazing". I looked that phrase up—it is described as "profitless meditation". Such consideration is only profitless for those who do not see what is at stake as the Bill is rammed through by the Whips without proper discussion. Direction has been substituted for democratic parliamentary discussion. Parliament is abused and degraded by this process.

We see the words "advice and consent" in the preamble to every Bill. As Erskine May noted,

"freedom of speech is so necessary for the making of laws, that if it had never been expressly confirmed, it must still have been acknowledged as inseparable from Parliament, and inherent in its Constitution."

That was the great Erskine May, and his words are as important now as they were then. To support that view, he quoted a statement by the representatives of the Commons at a conference with the Lords in December 1667:

"No man can doubt but whatever is once enacted is lawful; but nothing can come into an Act of Parliament, but it must be first affirmed or propounded by somebody; so that if the Act can wrong nobody, no more can the first propounding. The members must be as free as the Houses: an Act of Parliament cannot disturb the state; therefore the debate it tends to cannot; for it must be propounded and debated before it can be enacted."

The language may be somewhat arcane, but that quotation is highly relevant to our purposes today.

Bob Spink: Does my hon. Friend share the concern that the treaty transfers significant, crucial powers away from Parliament to the European Union—powers on the common fisheries policy, employment, transport, rail, air travel, space policy and matters concerning the charter of fundamental rights—and the motion does not even allow us to debate those specific issues?

Mr. Cash: That concerns me deeply. That is precisely why I am looking back at the manner in which our procedures have developed and demonstrating the fact that those important constitutional authorities have as much relevance to the present day as they did in their own time. This Parliament has been going for centuries and has developed those principles. We should be living by them now.

The most recent edition of "Erskine May" reaffirms that what I have just said remains true, as it says, up to the present time:

"The principal common characteristic of the rules of practice [as they emerged from the seventeenth century and still form the groundwork of procedure] was to provide ample opportunity for debate and for initiative in choosing subjects for debate, and ample safeguards against business being taken without due notice so that decisions could not be reached without opportunities for full consideration being given."

That is what "Erskine May" says today. That is what is at stake and what the Government are completely overriding. In the words of Sir Edward Coke, a former Speaker and seasoned parliamentarian,

"the course of this House is to deliberate well before we order".

Bagehot's claim goes further. It is that, in a parliamentary regime, the function of government takes place in the House by way of discussion. The programme motion denies that to us.

The Bill is more important and extensive than the Maastricht treaty, yet there is less time for discussing it. There is no general sense of crisis in the country, but there is unease. Sixty-four per cent. of people want a referendum because they do not trust Parliament, and that is our fault. Inadequate discussion means that the position will get worse and European laws will not be properly debated.

The European Communities Act 1972 is at the root of the problem. We have had invasions of law from the Romans, the Danes, the Normans, the Stuarts and through canon law. We created a democracy in the late 18th, the 19th and especially the 20th centuries, which has been the bastion of freedom for western civilisations. Now, we are going back, like ectoplasm, into a dark age through reverting to procedures that override our fundamental freedom of speech and proper discussion, which is the means whereby the people can be governed. The motion will prevent that proper discussion, and the Government and Parliament will be condemned for it.

8.51 pm

Sir Nicholas Winterton (Macclesfield) (Con): I am pleased to follow my hon. Friend the Member for Stone (Mr. Cash). I congratulate him on the quotations that he used to show the development of our parliamentary democracy over the years and on his reference to "Erskine May".

I have great respect for the Minister for the Middle East, who will reply to the debate. May I request of him that he heed the contributions of some of the longest serving and most experienced Members of the House? I refer to the hon. Member for Crewe and Nantwich

[Sir Nicholas Winterton]

(Mrs. Dunwoody), who is one of the most outstanding Labour parliamentarians. Her long service in the House and the outstanding service that she has given her constituents in two constituencies in her parliamentary career are greatly appreciated. I also refer to the impassioned and outstanding speech of my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd). He shares with me a true love of Parliament and a belief that this mother of all Parliaments is critical to the success of our democratic system.

Unfortunately, the House no longer carries the authority or power that it should because it has been undermined by the Executive. It has been said that the Chamber is now irrelevant because the Executive of the day—currently the Labour Government—are likely to get their way, through the use of Whips and other means, even in a debate such as the current one, on a business motion, unless sufficient members of the Government party are prepared to put this country's interests ahead of their career and possible preferment.

I do not make my next remarks immodestly. I took a decision nearly 37 years ago that I believed in Parliament, the integrity of Members of Parliament and the important independence of this place in a democratic system. Consequently, as has been said by one or two others, I have never had the benefit or advantage of preferment. I do not care about that. I can sleep soundly at night, because whenever I took a decision against my party, I did so because I believed that I was right and that what I was doing was in the best interests of those whom I served. There have been others, such as the hon. Member for Crewe and Nantwich and, from time to time, my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack). Again, will the Minister appreciate the clearly illustrated experience and length of service of a number of those of us who have contributed to this debate?

I am totally opposed to this business motion, because it betrays everything that the political parties in the House said at the last election. I shall not speak at any length on the referendum. However, it would have been appropriate for all the parties that said at the last election that if there was a constitutional treaty—albeit not necessarily the constitutional treaty that was defeated in referendums in France and the Netherlands—they would put it to the people of this country in a referendum to do just that. However, the parties are failing to do so. I greatly and sincerely regret that decision, because people in this country no longer trust Parliament.

Whereas in the old days Members of Parliament, perhaps because of their independent means, would take an independent position and vote accordingly, irrespective of their party, today that occurs less and less. Yes, we have those such as the right hon. Member for Birkenhead (Mr. Field) and the hon. Member for Crewe and Nantwich, as well as some in the Opposition, too, but there are far too few of them.

This motion is misguided and is an abuse of the House. I would normally hesitate to say this, but to my mind this sort of tactic would not have been untypical of Nazi Germany or the Soviet Union. Such a tactic is shameful and an abuse of the House.

The Government have conceded that there are provisions in the general language of the treaty that could be damaging to the United Kingdom. However, although they claim to have secured protection for this country, through special protocols and opt-outs—the then Prime Minister Tony Blair set out the red lines to the Liaison Committee on 18 June 2007—they will not allow sufficient time for such matters to be debated. There are serious doubts about the effectiveness of the safeguards in each of those areas, and I do not need to say that the European Scrutiny Committee, among others, has drawn attention to them.

It is utterly wrong that foreign and defence policy should be taken together in this business motion, because the potential role of the EU in shaping and implementing a common foreign and defence policy is being hugely extended under the treaty. Indeed, that was a major objective for many who support the new treaty. The Government claim that they have preserved the requirement for unanimity, enabling the UK to maintain its own independent foreign policy. However, there is no doubt that the intention behind the treaty is increasingly to bring EU members, including the United Kingdom, into line behind a common EU policy, with common representation gradually subsuming the independent national positions of the countries that comprise the EU.

This treaty matters. It will lead to a fundamentally different European Union from the one that the population we represent in this place has signed up to. There is no evidence that this direction has popular support. Indeed, polling evidence shows consistently that the vast majority of the population would prefer a much looser relationship with Europe, with roughly half opting for the type of relationship that would preserve the benefits of free trade and intergovernmental co-operation while opting out of the project of economic and political union.

These important issues cannot be adequately debated in the time proposed. If we consider the length of some of the speeches that we have heard today, it is difficult to see how we shall properly be able to scrutinise and debate the large number of amendments that are going to be tabled after the generic debate that will take place each day that these matters are to be debated in the House. The Government have been dishonest. They let it be known last October that there would be 20 days of debate. That figure was leaked in the national broadsheet newspapers. The figure then came down to 15 days, and we now know that it is to be 12. Even then, there will be limits placed on the length of the debates. Is this the proper way to handle a critical issue of constitutional importance?

I cannot better, or even come anywhere near, the oratory of my hon. Friend the Member for Aldridge-Brownhills. Now that the hon. Member for Crewe and Nantwich is back in her place, I should like to say that she did a huge service to the House in the debate today. Her experience is legendary, and I believe that she meant every word she uttered this afternoon about how the House is now operating and how it should be operating. I know her well, and I greatly respect her. In this place, we have many common interests and a great deal of common ground. We want this place to work, and we want the people out there whom we represent to trust us and to have confidence in the House of Commons and in Parliament as a whole. At the moment, they do not, because those who are here are, in the main, unable to exercise their own view, their

own opinion or their own experience. They are told what to do by Government Whips. I have to say that, on many occasions, my party has been just as responsible for that as the Labour party that is now in government. They are destroying the integrity of this place and the independence of our country, and I want none of it.

I will vote against the business motion tonight. Yes, I will support the Opposition amendment, because it is a little better—although, as several people have said, only a little. We should have nothing to do with this. We are here to represent this country and its interests, and the interests of our constituents. Poll after poll has indicated that the people do not want this treaty. I make a plea to Members of the House to honour their own instincts and experience and vote properly and independently when we vote later this evening.

9.3 pm

Mr. Mark Harper (Forest of Dean) (Con): I am very pleased to follow my hon. Friend the Member for Macclesfield (Sir Nicholas Winterton).

The Government's motion allows us too little time to debate the treaty and the Bill, and the way in which they have split up the time is completely undesirable, as many right hon. and hon. Members have said. A huge number of amendments have already been tabled, and there will certainly be many more. We will simply not be able to do them justice, and the House will be abdicating part of its responsibility in expecting the other place to debate the issues that we do not see fit to discuss.

Not long ago, the House was given far too little time to debate the Criminal Justice and Immigration Bill. Indeed, the Leader of the House admitted that too little time had been given and promised to learn the lessons of that experience. As we look at the motion before us today, it seems that those lessons were not learned—or, if they were, that they were discarded rather too easily. The Opposition proposal for an extra six days of debate therefore has much to commend it.

I also approve of splitting the time much more equally between debating the detail and what have been termed the more thematic debates. I shall not seek to compete with the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), whose comments carried a great deal of weight, but I rather share her sentiments. Since I became a Member of the House, I have heard a number of Ministers say that the purpose of the law is to send out a message. Well, it is not. Our purpose is to pass laws, which have to be debated in detail. As other hon. Members have pointed out, what happens to people charged with a criminal offence or facing the civil courts will not be decided on the basis of principles, themes or thematic debates. It is the detail and the specific points of law, and hence the quality of the job we do here in Parliament, that makes the difference. That is why it so important that we have enough time to debate these issues in detail.

There seems to be a fundamental contradiction at the heart of the Government's case. We contend that this treaty is essentially the same as the constitutional treaty on which a referendum was promised. The Government's justification for not holding a referendum is to extol—not very convincingly, but very loudly—belief in the supremacy of Parliament and the fact that we live in a parliamentary democracy, with the clear implication that it is here and in the other place where these matters should be debated. If we follow that through, those who argue that we should not have a referendum, but should debate these issues in this House should surely want us to have adequate time and flexibility to do so. The Government are trying to have it both ways. They say that it is inappropriate to have a referendum because these matters should be debated in Parliament, yet when it comes to the parliamentary debate, the Government are not prepared to give Parliament the time and flexibility it needs.

The Liberal Democrats have an interesting policy on how they are going to cast their votes on a referendum, but I believe I heard the hon. Member for North Southwark and Bermondsey (Simon Hughes) say earlier that he agreed that the Bill and this treaty did have constitutional significance. Indeed, he said that in arguing why these matters should be debated in a Committee of the whole House. Therefore, it is surely incumbent on the Government to allow a full and proper debate.

Simon Hughes: As the record will show, I said that we have always taken the view that if legislation has constitutional significance, there should be a referendum. However, I also made it clear that once this changed from being a constitutional treaty to an amending treaty, it lost that constitutional status.

Mr. Harper: I will check the record tomorrow, as doubtless will the hon. Gentleman. I certainly believe, and the evidence from polling confirms it, that the vast majority of the British people believe that this treaty does have constitutional significance and that there should therefore be a referendum.

Let me pick up one of two points that arose earlier when the Minister for Europe, who I now see back in his place, was speaking. Paragraph (4) of the business motion deals with Standing Order No. 24, on which you, Mr. Deputy Speaker, made an interesting ruling. I come back to it not because I believe it is extraordinarily likely on the balance of probabilities that our debates on the treaty will throw something up that will require a debate under that Standing Order, but because an important point of principle is at stake. I suspect that if the motion is passed tonight, it will not be long before other programming motions are presented containing the same clause, and I think that that would be a retrograde step.

I stand to be corrected by the Minister, but my reading of Standing Order No. 24 and the motion suggests that the motion makes a significant change in removing not just Mr. Speaker's right to make decisions on whether we should have debates, but the right of a Member to rise at the start of business and apply for a debate under the standing order. The motion states that on an allotted day when there is a motion in a Minister's name to discuss the treaty,

"proceedings shall be taken in accordance with the Table."

The table makes no provision for a Member to request a debate.

Standing Order No. 24 provides for an Adjournment debate on

"a specific and important matter that should have urgent consideration."

[Mr. Harper]

If a Member applied for such a debate, and if Mr. Speaker were minded to grant it, it would by definition be on an important matter that should be considered urgently by the House. Given that on most of the allotted days the hours of business are protected, it would surely be appropriate for the debate on the standing order to take place at the start of business on the following day—or, if Mr. Speaker decided that it was sufficiently urgent, later the same day—and for proceedings on the treaty to commence afterwards. I feel that given the frequency with which such urgent matters arise, if a matter were important and urgent enough for Mr. Speaker to see fit to grant a debate, it should take precedence over discussion of the treaty.

When this issue was raised earlier, the Minister responded to the various points of order and interventions by saying that he was minded to be flexible on such occasions, but however reasonable the Minister is—and he is a reasonable man—it is in the nature of business motions that we do not really want to rely on the reasonableness or otherwise of Ministers. Indeed, it might not be this Minister who happened to be at the Dispatch Box on a future occasion; it might be one of his hon. Friends, who might not be so reasonable. I think that Members would be much happier if paragraph (4) were not there, and it would be helpful if before we embarked on tomorrow's business, another business motion were tabled removing it.

Stephen Pound (Ealing, North) (Lab): I am always pleased to observe that someone else has studied Standing Order No. 24 with the assiduity with which many Labour Members do so. I note the hon. Gentleman's obvious sincerity, following the thunderous sincerity of the hon. Member for Macclesfield (Sir Nicholas Winterton). Both have said that there is insufficient time for this matter to be debated. We have heard that the extra six days is a mere pettifogging addition that the hon. Gentleman will spurn. How many weeks, months or—dare I say?—years does he think would be appropriate for us to discuss this reform treaty?

Mr. Harper: If the hon. Gentleman had been in the Chamber for long enough to hear the rest of the debate rather than coming in at the end, he would have heard the beginning of my speech, in which I said that I was very content to support the amendment tabled by my right hon. Friend the Leader of the Opposition, which would provide the six extra days. I consider it an improvement on the Government's motion.

I want to make two more points, relatively briefly. The first—which we raised earlier, but without receiving a satisfactory response—is that it is not clear how long the business will run on days nine, 10 and 11. There appears to be no time limit for day nine; the motion does not even say that the business will run until the moment of interruption, although I assume that that is the case. Day 11 is the critical day, the day on which the Minister himself said we were likely to be given a vote on a referendum, but as things stand the business could be compressed heavily by Government statements. There might be statements on important matters that should rightly be put before the House, but it would be helpful if the Minister committed himself tonight to allowing business on that day to run for at least six hours, but preferably as long as necessary, given that we shall be talking about not just clause 8 and amendments providing for a referendum, but all the new clauses and new schedules tabled by Members.

My hon. Friend the Member for North Essex (Mr. Jenkin) elegantly referred to my final point: how the programme motion was created in the first place. Unfortunately, I agree with him that it is the basis for the Government's media grid for the next couple of weeks, which will provide Ministers with an opportunity to be at the Dispatch Box each day at a time of their choosing, and to talk about subjects of their choosing—and at the beginning of each day when we turn on the radio and listen to the "Today" programme there will no doubt be discussions about what is going on in the House that day, completely under the Government's control. I suspect that the Minister alluded to that when he talked about the motion being for the convenience of those outside the House. I would like to think that he was referring to our constituents, but I fear he was talking about our friends in the media.

The motion is designed to support a Government news agenda, as my hon. Friend ably suggested. Understandably, the Government wish to be in control of events, but they are putting their desire to be in control ahead of the rights of Members to table amendments about matters of concern to them and their constituents. The House should support the amendment of my right hon. Friend the Member for Witney (Mr. Cameron) and vote against the Government motion.

9.16 pm

Mr. James Clappison (Hertsmere) (Con): It is a pleasure to follow my hon. Friend the Member for Forest of Dean (Mr. Harper), who made a forthright speech.

Article 1 of the Lisbon treaty sets three objectives. It states:

"This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen."

I am confident that the treaty will fulfil the first of those objectives—ever closer union—but I am not as confident as I would like to be about the second and third objectives on openness and decision making. We have not got off to a good start in being open and taking decisions as closely to the citizen as possible, not least in this House and in what Ministers have told Members about negotiations and the intergovernmental conference process to date.

I was hoping that this motion—this much-trumpeted opportunity to give the issue the promised detailed, line-by-line consideration—would make up for that lack of openness. I appreciate that the Minister who will wind up the debate has styled himself—justifiably, I think—a straight-speaking sort of chap, and I believe that his colleague, the Minister for Europe, is that as well. However, it will take a lot of straight talking to convince me that the Government have been anywhere near open on these proceedings to date.

It is important to go back to what took place before the IGC negotiations in June. On 7 June, the then

Foreign Secretary, the right hon. Member for Derby, South (Margaret Beckett), gave evidence to the European Scrutiny Committee. She more or less said that that was a waste of time because nothing was taking place. She even denied that there were any negotiations. She said:

"There has been a process whereby Member States were occasionally invited to give some views. There have not been negotiations."

My hon. Friend the Member for Stone (Mr. Cash) pressed her on that, saying it was astonishing, and she replied:

"I came here because you asked me to come and give evidence. If you had asked me whether there was very much I could tell you, I could have told you no before I came here."

That was our then Foreign Secretary's opportunity to tell the House's Committee scrutinising Europe about what was taking place, and we did not find out very much at all.

A fortnight later, as if by magic, a draft IGC mandate appeared and was circulated to Departments. It was circulated for some 48 hours before the then Prime Minister went into negotiations, in which time we are led to believe that all Departments saw the document and gave their comments on it. On 23 June, the negotiations were completed and an IGC mandate came into being. What is more, the very next month the Government produced a document stating,

"The Reform Treaty strengthens the role of national Parliaments in EU decision-making."

That was hardly borne out by what had taken place hitherto, and the European Scrutiny Committee was well justified in its conclusion, which was a little mild, if anything:

"We were concerned at an early stage that the process which was leading up to the convening of an IGC was proving to be far from transparent."

That was a masterly piece of understatement by the ESC, although of course it has a majority of members drawn from the Government side of the House.

Against that background, it is natural for us to look for an opportunity to compensate for that lack of openness and to have full discussion in this House. However, what this motion offers has come as a disappointment, and it is very much in keeping with the Government's approach before the IGC negotiations, with a view to closing down discussion. I agree with the learned comments of Opposition Members with far more experience of procedure than me about the severe curtailing of the opportunity to subject this provision to line-by-line consideration.

Let me give one example that was mentioned by Labour Members: immigration and asylum policy, which comes under the judicial and home affairs part of the debate. We have been given four and a half hours to debate the entire field of judicial and home affairs. My right hon. Friend the Member for Richmond, Yorks (Mr. Hague) was right to take the House through all the issues covered by that field. The part of the treaty dealing with judicial and home affairs consists of five articles; immigration and asylum is just one.

Let us consider what would happen if we devoted a proportionate amount of time to each of those articles. The others are equally important. There are articles on co-operation between police forces, on co-operation in criminal matters, and on co-operation in civil judicial matters. If we gave an equal amount of time to immigration and asylum in the general debates, we would be debating that issue for 54 minutes. That would be 54 minutes to debate articles dealing with the whole range of policy and law on asylum, illegal immigration and co-operation between Governments. In that time, we would also be getting into the subject of legal migration, which the European Union is greatly interested in taking on board as one of its competencies.

Moreover, we would have 18 minutes to move amendments on asylum and immigration. The asylum and immigration provisions in this Bill touch on all such matters that regularly come before this House. We spend hours debating asylum and immigration, because these are extremely important and fundamental issues that touch on the liberty of the individual and on control over our borders, yet we are supposed to amend a treaty that deals with those issues within a total of 18 minutes.

The same is true of foreign and security policy, the important changes to which my right hon. Friend the Member for Richmond, Yorks took the House through. For example, changes in majority voting arrangements will affect our ability to have an independent foreign policy. There is the highly significant creation of a new diplomatic service for the EU, and the creation of a new Foreign Minister. Apparently, the Government are now saying that all such matters will be decided on after we have debated the issues before us. We should be debating them on the Floor of the House.

The most important issues appear to have been compressed with others that, although important in themselves, are little changed by the treaty. Subjects as fundamental as foreign policy, immigration and asylum, and judicial and home affairs—including the very important question of the increased jurisdiction of the European Court of Justice, let alone all the other matters that are dealt with in the treaty—are important, and if we do not have adequate time to debate them on the Floor of the House, frankly, we will be unable to look our constituents in the eye.

Yes, a lot of constituents do write to me about Europe. They want to know what is happening there, and they are alarmed by some of the things that are going on; sometimes, they do not fully understand what is taking place. If we cannot look them in the eye and say, "Yes we debated those issues in the House of Commons as fully as we possibly could. We went through the legislation line by line and it was properly debated", what sort of opinion will they entertain about this House?

9.24 pm

Bob Spink (Castle Point) (Con): It is a pleasure to follow my hon. Friend the Member for Hertsmere (Mr. Clappison), who always brings balance and good sense to these debates.

The treaty transfers crucial powers from this Parliament to the European Union. Although amendment (f) is imperfect, it is supremely superior to the Government motion. If we compare that motion with the amendment tabled by my right hon. Friend the Member for Witney (Mr. Cameron), we see a number of problems with the Government's proposal. For instance, the Government seek to combine on the first day of debate—tomorrow—the

[Bob Spink]

issues of migration and asylum, and crime and justice. My hon. Friend the Member for Hertsmere has just spoken about that eloquently, so I shall not repeat what he said. I merely point out that he informed the House that that impossible task insults our very democracy.

No specific allotted time is given to debate matters of important national concern, such as the transfer of powers on the common fisheries policy. In respect of that matter, article 3 of the consolidated version of the treaty on the functioning of the European Union states:

"The Union shall...have exclusive competence".

Fishing is an important issue, and we should be given an allotted day to debate it. The common fisheries policy has virtually destroyed our fishing industry. Under CFP rules fish conservation has been decimated, and more fish are thrown back dead or landed illegally than are landed legitimately. Britain provides three quarters of the fish stocks and two thirds of the waters but gets only one eighth of the fish by value. We should programme business to debate that matter on a specific day.

The hon. Member for Crewe and Nantwich (Mrs. Dunwoody) talked about the importance of debating transport—rail, air travel and space policy—and that should be given a specific dedicated debate. Employment and industrial relations issues should also be given specific allotted time, as should the charter of fundamental rights.

As I have said, the Opposition amendment is far from ideal, but it is designed to recommend itself to the Government. I hope that they will examine it, accept the good sense that it contains and go through the Lobby with us to support it tonight. They should do so because it offers six additional days' debate on particularly important areas. It offers this House the opportunity to debate, in specifically allotted time, asylum and immigration separately from justice and crime matters. Given the importance that asylum and migration have for our constituents, we should examine them specifically. Those things put enormous pressure on our public services, infrastructure and housing, and deserve to be examined specifically on a separate allotted day.

The amendment also offers a specific allotted day to discuss the economy, social security and public services, which are important matters, and another to discuss foreign policy. Given the changes that this constitution—that is what it is—forces on this country, and particularly the impact that an EU Foreign Minister will have on our foreign policy, we need a specific allotted day to debate that issue.

The amendment also offers a specific day to discuss the new EU President and the EU's legal personality, and another to examine the structures of the European Union and the distribution of competences between the EU and member states. In particular, it offers a specific allotted day to debate the provisions concerning national Parliaments. That brings me to the subject of the referendum. My constituents, like every other Member's constituents, were promised a referendum on the constitution by the three main parties. This is the constitution, and we deserve and we need a referendum on it. It is a matter of trust. The Labour party will have to answer to those constituents when it presents its manifesto at the next election for the lies that it told in its manifesto in the last election.

9.30 pm

Mr. Mark Francois (Rayleigh) (Con): Today's debate essentially revolves around one question—whether the Prime Minister will keep his word and Parliament will be able to debate this treaty in any depth. As has clearly been shown by Member after Member, the Government programme for the Bill is just a parliamentary gesture and not what was promised to this House.

First, we had the broken promise on the referendum, and now we have a broken promise on detailed scrutiny of this momentous Bill in this House. Ministers seem not to want to listen to anyone. The European Scrutiny Committee has reported that the treaty was negotiated in a way that could not have been better designed to marginalise the role of national Parliaments. Now Ministers, through this motion, are setting out to marginalise Parliament all over again.

The Government are losing the people's trust on so many issues, so what do they do on this critical issue? They effectively ignore the public, the trade unions, their own Back Benchers tonight and the Select Committee, and plough on regardless. That is borne out by the debate. Of the 15 contributions so far, only three have supported the Government and one of those was the Minister for Europe himself. I shall return to the subject of his contribution, but I wish to comment on the other contributions we have heard.

My right hon. Friend the Member for Richmond, Yorks (Mr. Hague) made another powerful contribution to the debate, as I am sure the whole House will agree. Among other things, he pointed out the absolute absurdity of attempting to debate the extremely complex provisions on criminal justice and home affairs that are embedded in the treaty in just one day. The very idea that we can debate 27 amendments on that subject in 90 minutes tomorrow evening is itself a farce.

The hon. Member for Hemsworth (Jon Trickett) was representative of the frustration felt among Labour Members about the way in which this is being handled. He directly criticised the Government's approach and he made the point that not enough time will be made available for Back Benchers' contributions. For his own reasons, he highlighted especially the charter of fundamental rights and criticised the Government for failing to mention it in their motion—something that we attempt to rectify in our amendment.

We then heard from the hon. Member for North Southwark and Bermondsey (Simon Hughes), who surprised the House twice over—first, because he spoke for less than half an hour, and secondly, because he said that the Liberal Democrats would vote against the Government tonight. That is a welcome change with regard to this treaty. He also said, generously, that his party would support our amendment. He made the case for the importance of detailed scrutiny of the Bill, and we look forward to enjoying his support in the Lobby tonight.

We then heard from the right hon. Member for Leicester, West (Ms Hewitt), who accused us of nitpicking over procedure. That seems to be at variance with the Prime Minister's promise that the House would be allowed to debate the treaty line by line and in detail. I ask her and her colleagues who support the Government whether they want the House to debate the treaty in detail or not.

We then heard from my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack), who brought his considerable experience in the House to bear on the debate. He pointed out, wisely, that the Prime Minister's pledge to put Parliament back at the centre of our national life is completely at odds with the motion before the House. He was followed by the redoubtable hon. Member for Crewe and Nantwich (Mrs. Dunwoody), who asked a crucial question: whom does the business motion most benefit? She powerfully answered her own question—it benefits the Government, and not the House.

We then heard a passionate speech from my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd), who pointed out to the Government that Parliament's standing in the eyes of the public can only be undermined by initiatives such as the Bill, and I entirely agree. We then heard from the hon. Member for Ellesmere Port and Neston (Andrew Miller), who said that timing was more important than time. That is an interesting observation, given that a major leak from the Slovenian presidency today revealed that there are about 30 unanswered questions on how the treaty will work in practice; that is embarrassing timing for the Government.

My hon. Friend the Member for North Essex (Mr. Jenkin) pointed out that the motion was designed more from the point of view of news management than for the convenience of the House, and I entirely agree. My hon. Friend the Member for Stone (Mr. Cash) gave us an historical tour d'horizon of English and British law. He memorably described the Government's position as a fetid sludge. I have a funny feeling that we will hear from him again once or twice as the debates continue. I may be wrong, but I would encourage the House not to bet against me.

We heard from my hon. Friend the Member for Macclesfield (Sir Nicholas Winterton), who rightly mentioned his long service in the House, and who referred to, among other things, the weaknesses in the Government's red lines. My hon. Friend the Member for Forest of Dean (Mr. Harper) doggedly challenged the Minister on the lack of protected time on the day when we debate the referendum, and got a concession out of him; I shall return to that point later. My hon. Friend the Member for Hertsmere (Mr. Clappison) made an important point that reinforced what my right hon. Friend the Member for Richmond, Yorks, said about the severe lack of time in which to discuss the key provisions on criminal justice and home affairs. My parliamentary neighbour, my hon. Friend the Member for Castle Point (Bob Spink), rounded off the Back Benchers' contributions by reminding the Government of their pledge on the referendum, among other things.

I now come back to the Minister's contribution. He was courteous to take so many interventions, but despite his courtesy he completely failed to convince the House of his argument. He gave a commitment that on the day we debate the referendum, the business will be protected. That commitment was not in the Government's motion, and we therefore welcome it. On timetabling, he said that the Government would be flexible and would look at matters almost on a daily basis. Given that we begin debating the treaty in detail tomorrow, if he really wants to be flexible on a daily basis, the best thing that he can do is withdraw the Government's motion tonight.

The Minister really got into trouble over Standing Order No. 24. After frequent interventions and points of order, it was eventually established that if the Government's motion is passed tonight, and if an emergency occurs on a day when the House is debating the treaty of Lisbon as set down in the programme, the decision on whether to have a debate under Standing Order No. 24 will effectively rest with the Government and not with you, Mr. Speaker. That is a considerable change to our established procedures. It took a long while to wangle that from the Minister, but eventually he admitted it, and that is another reason to vote against the motion.

The Parliamentary Secretary to the Treasury (Mr. Geoffrey Hoon) *indicated dissent.*

Mr. Francois: The Chief Whip shakes his head; he should read the ruling given by Mr. Deputy Speaker in *Hansard* tomorrow. The matter does not rest there. The Government's case for avoiding a referendum rests largely on providing "detailed parliamentary scrutiny", as they put it, of the Lisbon treaty in the House, but the Minister completely failed to justify the abandonment of the referendum pledge, on which almost every Member to the House was elected.

The marginalisation of Parliament is even more disturbing given the leak of a confidential Slovenian EU presidency strategy paper today. It sets out a raft of areas in which the detail of what the treaty will mean in practice has yet to be decided. That applies to decisions on the exact role of the new EU President and the high representative and; on the powers of Eurojust and Europol, and to the exact meaning of the solidarity clause should an EU member be subject to a terrorist attack. Those are the very areas that Parliament should wish to scrutinise, yet the process in which the Government have collaborated is designed to avoid exactly that scrutiny. How can the House question the details of the role of the new EU President, if those details are still being worked out? Effectively, as the think-tank, Open Europe, has argued, we are being asked to trust the Government to sign a blank cheque. I do not think that we should sign it.

On one level, the Government have already lost the argument about the treaty. Almost every impartial observer has concluded that in substance it is essentially the same as the EU constitution, and that it will mean a substantial increase in the EU's powers. The programme motion is an admission of the extent of the Government's defeat. It cuts time for debate on matters of genuine importance in the treaty—justice and home affairs; the EU President; the EU Foreign Minister; the EU's new legal status; changes to defence arrangements; and the profound changes to the treaties—to a minimum. Instead, it ekes out time for talk about other subjects, some of which are important in their own right but to which the treaty makes very little difference at all.

Ministers are behaving rather like a student who, when asked a question to which he does not know the answer, gives an answer to a completely different query. That is the level to which the Government have sunk: jester politics in place of the detailed debate that they promised us all along. Our amendment to the motion would give the House the bare minimum of debate that the Bill merits. It would ensure that, as promised by the

[Mr. Francois]

Government, there would be 20 days of debate in the Commons. Instead of the absurdity of trying to discuss the vast and far-reaching changes in justice and home affairs in one day, we would have at least two days to do so. Let us remember that the Government's position is that the establishment of a common EU asylum policy and a common EU immigration policy by treaty does not even merit a day's debate in itself, which is indefensible.

The amendment would allow greater consideration of the major changes that the treaty will make in foreign and defence policy, including the role of the EU Foreign Minister, the diplomatic service, the loss of vetoes in foreign affairs, and the creation for the first time of a common European defence policy. Those issues surely merit more than one day's debate. The amendment would provide two days to consider the profound legal changes that the treaty effects such as the granting to the EU of its own legal personality; the abolition of the intergovernmental status of criminal justice; and the declaration on the primacy of EU law. The amendment would allow some debate on the distribution of powers between EU and member states brought about by the treaty, yet the Government, according to the motion, think that such discussion is completely unnecessary, even though the treaty, for the first time, lists the EU's areas of competence and their nature.

The amendment would ensure, too, that the charter of fundamental rights and the British protocol pertaining to it are debated, whereas Ministers, who are already very sensitive on this issue, clearly did not want the charter even to be mentioned in the programme for debate. The amendment would allow some discussion of the treaty's effects on national Parliaments. The European Scrutiny Committee has repeatedly drawn attention to the obligations that the treaty places on the House, but Ministers seem to think that there should not be any debate about that, either.

Our amendment rectifies a basic structural flaw in the Government's programme. One and a half hours to debate amendments is practically unworkable. It prevents detailed discussion of the treaty, and as anyone remotely familiar with European treaties knows, the details matter. In our view, 20 days is not enough to do justice to the treaty. A case could easily be made for more debate and, as confirmed by the House of Commons Library, Maastricht, by comparison, was debated for 29 days. The programme motion, however, offers less than half that time. We have sought to allow the House to vote for a programme that simply holds the Government to their original word. The amendment would not wreck the Bill; it would simply allow the House to do the job that the Government promised that it would do in the first place.

The whole story of the treaty is shabby: it was cooked up behind closed doors; it was rammed through to avoid public debate, with almost any deal being struck to evade the people's verdict in a referendum; and it was signed in circumstances of considerable national embarrassment.

The Government know that they are losing the argument. To take one recent example, this week's Charlemagne column in *The Economist* stated:

"The British Government is accused of breaking its word by rejecting a referendum. That too is true. Even Europhiles wince as Ministers struggle to justify their about turn."

The Minister was certainly struggling earlier, when he did not justify the Government motion to the House. The Government's programme motion represents a further betrayal of the people and of this House as well. We should deal with the treaty with proper thoroughness in accordance with the promise that the Prime Minister made to this House and to the people who sent us here. That is what we propose to the House tonight.

9.45 pm

The Minister for the Middle East (Dr. Kim Howells): The Lisbon treaty is the fifth such treaty since the United Kingdom's entry into the EU in 1973. It is good that procedures for scrutiny evolved and improved with each of those treaties. In the past, Governments of all complexions sought to use guillotine motions to organise discussions on Bills to implement EU treaties, if necessary.

Today's business motion sets out a programme for debate on the Lisbon treaty that will ensure structure and balance. I have heard what hon. Members have said about the lack of time and the bids for more time to debate amendments and themes, and I have a great deal of sympathy for such bids and arguments. One is tempted to say, "God save us from experiments and innovations when it comes to the proceedings of this House." I have been here long enough to know that, but I also know that the more straightforward business motion for the Nice treaty was adopted without debate. Today's motion represents a significant innovation in procedure, and it is good that we have the opportunity to debate it fully.

My right hon. Friend the Foreign Secretary set out the scope and nature of the Lisbon treaty on Second Reading, when he made it clear that it will improve the way in which the EU works. It will adapt the EU's institutions to a Union of 27; it will ensure that the voices of Europe's nations are heard more loudly in foreign policy; it will bring national Parliaments into day-to-day EU decision making to strengthen subsidiarity; and it will focus the EU on the big external challenges, such as climate change and migration.

If the treaty is unique, then it is in this regard: it marks the end of the long process of institutional reform—if the treaty is ratified around Europe, then that process is well and truly over. It will make valuable changes, and it will turn Europe from institutional reform to the real priorities of its citizens. We need to reflect that balance in our discussions in this House, which is something that the programme motion provides.

Mr. Jenkin: Will the Minister give way?

Dr. Howells: I am sorry, but I have very little time.

It is obvious from this evening's debate that hon. Members judge that certain clauses will require more time and in-depth scrutiny than others. Rightly, clause 2 will be the focus of our attention in Committee, but given that it introduces the Lisbon treaty almost in its entirety, it is important that there is a clear structure in place to help the Committee to debate the content of the treaty as efficiently and effectively as possible.

There will be two days of debate on clauses 3 to 7, which will include discussion of the passerelles. Time will also be devoted entirely to discussing amendments to the Bill. Furthermore, a full day will be set aside to discuss clause 8, as requested by the Select Committees.

It is time for the so-called themed debates on substantive motions to be understood as the innovation that they are. It is established practice when a Bill is in Committee or on Report to group amendments by theme. The motion provides a more structured and themed approach to the Committee stage. As my hon. Friend the Minister for Europe made clear in his opening statement, it is important that, as with amending treaties, thorough scrutiny of the legislation is conducted by debate in Parliament, not by referendum.

There is an important case to be made: the Lisbon treaty is good for Britain and good for the British people. As my right hon. Friend the Foreign Secretary explained on Second Reading, the debate on Europe should move from institutional reform to delivery. The Government's structured approach to the Committee stage will enable the House to debate both the provisions of the treaty and the Bill. The structure of the Bill is one of the reasons why that is important. However, far more important is the wish to widen and deepen debate.

The new, so-called themed structure should make the process of scrutinising the Lisbon treaty much more open and accessible to the whole House. Some of the previous Bill proceedings have had the opposite effect and confused and discouraged rather than shed light and encouraged understanding and participation. The themed structure is good, and interventions by Members today have not convinced me otherwise.

Sir Patrick Cormack: The Minister has listened to most of this debate. Surely he has gathered that there is an overwhelming feeling on both sides of the House that we should at the very least go to the three hour/three hour structure proposed in the amendment, rather than stick with the four and a half hour/one and a half hour structure. Will he meet us on that?

Dr. Howells: There is room for flexibility on the balance of time in each of the debates; I certainly would not deny the hon. Gentleman the justice of that. It is possible, and I shall try to explain how it might come about.

The hon. Member for Stone (Mr. Cash) quoted "Erskiné May" at length. Long ago, Governments began to evolve programmes of business in response to public need and, increasingly, to democratic pressure. As the process developed, questions of balance between business and time—the commonplace of modern procedure—became acute as never before. Thomas Erskine May's fertile, if cautious, procedural imagination was there to help him to find solutions. He said that organisation was not less essential in a senate than in a factory. I am sure that the hon. Gentleman, who quoted May at great length, will agree that he should come to terms with that piece of wisdom.

Mr. Cash: I concluded my remarks on that matter by quoting from the current edition of "Erskine May"; there was no departure on the fundamental principles of government by discussion.

Dr. Howells: We could talk at great length about the editions of "Erskine May", but I have just quoted the hon. Gentleman a bit of it.

Some right hon. and hon. Members have said that only amendments should be taken, but that would hinder the consideration of the treaty. The Bill is short and general; amendments cannot target treaty innovations adequately. We are concerned that we should scrutinise the treaty as well as the Bill.

My hon. Friend the Minister for Europe began to describe the flexibility that was mentioned a little earlier. Paragraph (6) of the motion gives the House the flexibility to alter the balance between themed debate and amendments, and between different days. Until as late as the rising of the House on the sitting day before an allotted day, the Government will be able to respond to requests to allow more time on themed debates or more time on amendments.

Mr. Jenkin: Will the Minister give way?

Dr. Howells: No, I will not.

The response would take the form of a motion amending the business motion—specifically, amending the table. Provided that that amendment did not reduce the overall time for debate on the treaty of Lisbon, the question would be put forthwith, and would therefore not disrupt business unduly.

The supplementary business motion amending the table to the business motion can be taken under paragraph (6) of the business motion. As I said, if it does not reduce overall time, it can be tabled as late as the night before the relevant allotted day.

Mr. Jenkin: Will the Minister give way?

Dr. Howells: No, I will not.

Hon. Members asked about the provision in paragraph (4) of the business of the House motion, which prevents an emergency debate from taking place on the day allotted to the treaty until after the conclusion of proceedings on the treaty. They complained that that was a novel way of proceeding that takes the initiative in the matter of emergency debates away from the Speaker, but that is not true. This is not a new provision in substance at all.

The existing provisions for programme motions under Standing Order 83I(4) already provide for delaying emergency debates until after the end of programmed business. Paragraph (4) of the motion simply replicates that for the proceedings on the treaty. The only reason that the motion had to make express provision for this instead of simply applying Standing Order 83I(4) is that when the House agreed to the present sessional experiment changing the arrangements for emergency debates under Standing Order 24, it failed to make the necessary consequential amendments to Standing Order 83I(4). Paragraph (4) of the motion therefore makes the necessary provision to make the existing procedure for programmed business work for proceedings on the treaty.

Of course, if some extreme emergency arose so that the House desperately wanted to abandon business on the treaty for the day and proceed to the emergency debate, it would be open to the House to conclude the day's proceedings on the treaty very fast and get on to the emergency debate. In those circumstances, the Government would consider—

Mr. Jenkin *rose—*

Dr. Howells: I am not giving way.

In those circumstances, the Government would consider tabling a supplemental business of the House motion for the following day to restore the amount of time lost from consideration of the treaty.

Right hon. and hon. Members asked about protection of time on days 9 to 11. It is true that, as drafted, the motion does not guarantee any particular number of hours of debate on any of those days. The length of debate will be determined by the moment of interruption in the normal way. Given that we are allowing three days for debate on clauses 3 to 8, the House may think that this is sufficient. If it turns out—

Mr. Jenkin *rose—*

Hon. Members: Give way!

Dr. Howells: Conservative Members were very keen to know the answers to these questions because of course they are obsessed with themselves.

Mr. Jenkin *rose—*

Dr. Howells: The hon. Gentleman can keep on but I will not give way.

If it turns out that there are no statements on those three days and if decisions have been made about guaranteeing six hours, then of course the debate will start at 3.30 pm and end at 9.30 pm, not at 10 o'clock. There would be no point in the amendment whatsoever; it shows that hon. Members have not read the motion properly.

Mr. Jenkin: Will the Minister give way?

Dr. Howells: No, I will not—the hon. Gentleman must be deaf.

The right hon. Member for Richmond, Yorks (Mr. Hague) alleged that there is not enough time to debate the substantive issues in the treaty. He backed that up with a raft of allegations and familiar scare stories—we have heard it all before. Let me take just a few examples. In relation to justice and home affairs, he said that the treaty will give Eurojust the right to launch prosecutions in this country. That is completely wrong—it will not have the power to initiate prosecutions. Eurojust is not a threat. In June, the Home Affairs Committee concluded in a report:

> "Eurojust provides an excellent example of what can be done to build mutual trust between practitioners and through them Member States in one another's systems. This kind of contact and practical co-operation is absolutely critical in enhancing trust and co-operation."

But the right hon. Gentleman never lets the facts get in the way of a good story. He also alleged that we do not support the creation of a European public prosecutor. That is absolutely right—we do not. That is why we have ensured that we have retained unanimity, with a UK veto, on the creation of a European public prosecutor. If a smaller group of countries wishes to go ahead with that idea, it will not affect the United Kingdom unless we choose to opt in.

Mr. Jenkin: Will the Minister give way?

Dr. Howells: No.

As has been pointed out, the United Kingdom has a legally binding opt-in in every area of justice and home affairs. Therefore, we will participate in a justice and home affairs measure only if we choose to. That is why there is no ratchet in JHA matters. We will opt in only if it is in the UK's interest to do so. I very much commend this motion to the House.

Question put, That the amendment be made:—

The House divided: Ayes 244, Noes 303.

Division No. 056] **[10 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Corbyn, Jeremy
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Featherstone, Lynne
Field, rh Mr. Frank
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Godsiff, Mr. Roger
Goldsworthy, Julia
Goodman, Mr. Paul
Gove, Michael
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark

Hoey, Kate
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Hopkins, Kelvin
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Stringer, Graham
Stunell, Andrew
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. John Baron and Mr. Nick Hurd

NOES

Abbott, Ms Diane
Ainger, Nick
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
George, rh Mr. Bruce
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.

Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Vaz, rh Keith
Vis, Dr. Rudi
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wood, Mike
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek

Tellers for the Noes:
Mark Tami and Steve McCabe

Question accordingly negatived.

Main Question put:—

The House divided: Ayes 299, Noes 243.

Division No. 57] **[10.15 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burnham, rh Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
George, rh Mr. Bruce
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel

Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Turner, Mr. Neil
Twigg, Derek
Vaz, rh Keith
Vis, Dr. Rudi
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wood, Mike
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek

Tellers for the Ayes:
Mark Tami and Steve McCabe

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Corbyn, Jeremy
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Drew, Mr. David
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Dunwoody, Mrs. Gwyneth
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Featherstone, Lynne
Field, rh Mr. Frank
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward

Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Gove, Michael
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hoey, Kate
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Hopkins, Kelvin
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
O'Brien, Mr. Stephen
Opik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Stringer, Graham
Stunell, Andrew
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Mr. John Baron and
Mr. Nick Hurd

Question accordingly agreed to.

Resolved,

That the following provisions shall have effect.

(1) In this Order, 'allotted day' means a day on which the first business is

(a) a motion in the name of a Minister of the Crown to approve the Government's policy towards the Treaty of Lisbon in respect of specified matters,

(b) proceedings on the European Union (Amendment) Bill, or

(c) a motion to vary or supplement this Order.

(2) On an allotted day proceedings shall be taken in accordance with the Table.

(3) Standing Orders Nos. 83D and 83E (Programme orders: conclusion of proceedings) and 83I (Programme orders: supplementary provisions) shall apply to proceedings to which this Order applies as if they were subject to a programme order.

(4) On an allotted day no debate under S.O. No. 24 (emergency debates) may take place until after the conclusion of proceedings specified in the Table.

(5) The rule of the House against anticipation shall not apply to proceedings specified in the Table.

(6) If a Minister of the Crown moves a motion to vary or supplement this Order (including, in particular, so as to make provision about Lords Messages)

(a) if the amendment does not reduce the amount of time allotted overall to consideration of matters connected with the Treaty of Lisbon, the Question shall be put forthwith, and

(b) otherwise, proceedings on the motion shall be brought to a conclusion not later than three-quarters of an hour after commencement.

TABLE

Allotted Day	*Proceedings*	*Latest time for conclusion*
1	(A) Motion: 'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning the following matters: fighting cross-border crime; justice; policing; human trafficking; and asylum and migration policy.'	4½ hours after commencement
	(B) Committee on the Bill: any selected amendments to Clause 1 and the Question, That Clause 1 stand part of the Bill; any selected amendments to Clause 2 relating to the matters specified in paragraph (A).	1½ hours after commencement

Allotted Day	*Proceedings*	*Latest time for conclusion*
2	(A) Motion – 'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning energy.'	4½ hours after commencement
	(B) Committee on the Bill – any selected amendments to Clause 2 relating to energy.	1½ hours after commencement
3	(A) Motion – 'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning human rights.'	4½ hours after commencement
	(B) Committee on the Bill – any selected amendments to Clause 2 relating to human rights.	1½ hours after commencement
4	(A) Motion – 'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning the single market.'	4½ hours after commencement
	(B) Committee on the Bill – any selected amendments to Clause 2 relating to the single market.	1½ hours after commencement
5	(A) Motion – 'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning foreign, security and defence policy.'	4½ hours after commencement
	(B) Committee on the Bill – any selected amendments to Clause 2 relating to foreign, security and defence policy.	1½ hours after commencement
6	(A) Motion – 'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning international development.'	4½ hours after commencement
	(B) Committee on the Bill – any selected amendments to Clause 2 relating to international development.	1½ hours after commencement
7	(A) Motion – 'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning the effectiveness of the EU institutions and EU decision-making.'	4½ hours after commencement
	(B) Committee on the Bill – any selected amendments to Clause 2 relating to the matters specified in paragraph (A).	1½ hours after commencement
8	(A) Motion – 'That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning climate change.'	4½ hours after commencement
	(B) Committee on the Bill – any selected amendments to Clause 2 relating to climate change, remaining amendments on Clause 2 and the Question, That Clause 2 stand part of the Bill.	1½ hours after commencement
9	Committee on the Bill – Clauses 3 to 7.	
10	Committee on the Bill – Clauses 3 to 7, so far as not completed on Allotted Day 9.	
11	Committee on the Bill – Clauses 8, the Schedule, New Clauses and New Schedules.	The moment of interruption
12	Remaining proceedings on the Bill.	6 hours after commencement

COMMITTEES

Mr. Speaker: With permission, I shall put motions 3, 4 and 5 together.

Ordered,

CHILDREN, SCHOOLS AND FAMILIES

That Stephen Williams be discharged from the Children, Schools and Families Committee and Paul Holmes be added.

PUBLIC ACCOUNTS

That Annette Brooke be discharged from the Committee of Public Accounts and Mr. Paul Burstow be added.

SCOTTISH AFFAIRS

That Danny Alexander be discharged from the Scottish Affairs Committee and Mr. Alistair Carmichael be added.

[Rosemary McKenna, on behalf of the Committee of Selection.]

PETITION

Immigration (Adela Mahoro Mugabo)

10.30 pm

Mr. John Leech (Manchester, Withington) (LD): As the local Member of Parliament of Adela Mahoro Mugabo, I wish to submit the petition of the Mahoro Must Stay Campaign. It contains 1,000 signatures, although a further 1,000 have been collected since the petition was handed to me a few days ago. I am delighted to support it.

The Petition of the Mahoro Must Stay Campaign,

Declares that Adela Mahoro Mugabo, who is to be removed to Rwanda, is the widow of a man murdered in 2002 by the Interharamwe Hutus, and as a Hutu herself was accused by the Rwandan Military Intelligence of covering up for her husband's murderers. The Petitioners further declare that Mahoro was tortured and raped, and is now HIV-positive, and that if she is returned to Rwanda she will still be in danger and will be unable to get the anti-retroviral drugs she needs to survive.

The Petitioners therefore request that the House of Commons urges the Home Secretary to instruct a reconsideration of the Home Office decision and allow Adela Mahoro Mugabo to stay in the UK, a safe environment in which she will be able to lead a healthy life.

[P000114]

Lebanon

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Khan.]*

10.31 pm

Mr. Andrew Love (Edmonton) (Lab/Co-op): Presidential elections in Lebanon have been postponed for the 13th time. The country has been without a president since 23 November last year, and the next possible date for Parliament to meet is 11 February. That means more than 11 weeks of failure to agree on a way forward, and political paralysis. It is, by common consent, the worst political crisis since the civil war in the country ended in 1990. It also has the potential to spill on to the streets of Lebanon, with unknown consequences for the country and, perhaps more important, for the wider middle east.

That is not a fanciful statement. We can confirm our worst fears by noting recent events. Yesterday eight opposition supporters were shot dead in street protests in Beirut. Accusations abound: some say that the army bears responsibility, and there is also talk of "unknown gunmen". Amal, the political party representing the protesters, says that it is not yet clear who is responsible, but the situation remains very tense. I know that troops are on the alert for any further violence, although I understand that calm has returned to the streets of the capital to some extent.

As if that were not enough, last Friday a senior police officer who was involved in investigations of recent assassinations was himself assassinated, along with three others, two of them totally innocent civilians. In the past three years there have been 30 bombings in Lebanon. Since UNIFIL—the United Nations Interim Force in Lebanon, which is supposed to be patrolling the southern border—arrived in the country in September last year, there have been three attacks on its forces and six soldiers have died. A car bomb recently struck a United States embassy vehicle. Although, fortunately, no one from the embassy was injured, three innocent bystanders were killed. On the eve of President Bush's visit to the region earlier this month, two rockets were fired from Lebanon into northern Israel. While there is confusion over whether Hezbollah or one of the Palestinian parties was responsible, it will be ominous if that is repeated, and even more ominous if we see an increase in the number of rockets going into Israel.

In the past two years, four Government Members of Parliament have been assassinated, and during that time no one has been arrested or charged with any of the crimes. Since the period of instability began, opposition supporters have blockaded the Parliament and launched regular demonstrations in the capital. Indeed, yesterday's events began as a demonstration against power cuts in southern Beirut. There was a transport strike last week and there are, of course, constant threats of civil disobedience and a campaign to follow.

Sadly, early hopes that the Taif agreement introducing the confessional system of politics and how Parliament operates would deliver strength and stability in the country have been dashed. The reasons for that go back a long way—many complex issues are involved—but the reality is that we can see in more recent events how the spiral towards conflict has happened. In 2004, the Syrian authorities rammed through an extension to ex-President Lahoud's term of office, causing great consternation. In 2005, Prime Minister Hariri was assassinated, which further—and intensively—polarised the country. That led to a popular backlash. Elections following his assassination brought in the 14 March coalition and led to Syria's withdrawal, but the hopes at that time for a fresh start and a new initiative were dashed in 2006 with the invasion of Israeli troops.

It is estimated that 1,200 Lebanese and 160 Israelis died during that invasion. Unfortunately, Hezbollah, which was the cause of the instability in southern Lebanon, was able to claim victory as the defender of Lebanon. That enhanced not only its position in the wider middle east but its role in Lebanon.

That enhanced role following the invasion led to Opposition demands for a blocking majority in the Government of Lebanon. That was not possible; indeed, it should not be possible, and we must stand up for the right of the Government to govern. However, the consequence of not agreeing that was the withdrawal of the Opposition, and political paralysis has followed.

The prospects of avoiding further instability are bleak. Prime Minister Siniora, who has led the Government during the recent period, stated a few days ago that Lebanon is going through the most difficult and dangerous of times. That is saying something for a country with Lebanon's history. I do not think it is going too far to say that civil conflict remains a genuine possibility. The question I pose tonight is: what can Parliament, and more importantly the Government, do to help? International pressure to resolve the instability is crucial—pressure to keep up the dialogue, and to keep insisting that the parties to that dialogue be prepared to compromise to find a solution.

The United Kingdom is well placed to assert such pressure. We play a prominent role in both the European Union, which should be doing more, and, perhaps more importantly, the United Nations Security Council. The UK has a unique experience in the middle east, and although it might be surprising to some, on the basis of my experience it is clear that the UK has prestige in Lebanon, even now after the Israeli invasion, which can be brought to bear.

Ministerial visits are always welcome in Lebanon as showing a commitment to that country and to finding a way forward. The Prime Minister's representative, Michael Williams, has recently visited, as has the Minister, and it is important that we carry on doing so. It would show solidarity and help to keep up the pressure if Ministers were able to visit over the next few weeks.

I understand that Prime Minister Siniora has requested the opportunity to come to the United Kingdom to report on the situation. I hope that the Minister will look favourably on that request and expedite such a visit. I know that Prime Minister Siniora wants to keep the UK in touch with what is going on in his country, and to elicit its support to help ensure the quickest possible resolution of the conflict.

There appears to be a developing consensus around the election of General Michel Suleiman as a possible next President; we have to build on that. Although the process has been difficult, it is critically important that there appears now to be cross-party support for that.

and we need to do what we can to ensure that it leads to the rest of the package necessary to resolve the conflict. In my estimation, the mediation of the Arab League is a positive development in this regard. Although it has so far been unsuccessful—we understand the intensity of the differences between the political parties in the country—it is the only game in town at present. If we are to find a way forward, we need to get behind the work that the Arab League is doing not only in finding that presidential candidate, but in leading toward a Cabinet of national unity that can take the country forward.

I hope that the Minister is alert to the need for United Kingdom support in finding a solution in Lebanon. I hope, too, that he is giving every assistance to the process that will need to be gone through—the hard negotiations that will have to take place—to deliver a solution in Lebanon. However, through his contacts in the United Nations and the European Union, and through the very good relationship that I know exists with the French authorities, who have played such a prominent role in the country, he must be aware of what is happening and what more can be done.

That is the essential question that Parliament wants to ask: given the concerns in the international community about the decline into conflict in Lebanon, what more can we do not only to resolve the situation in that difficult country, but to ensure that we do not see a developing conflagration in the wider middle east? Given the other negotiations going on in trying to develop a dialogue between the different parties, Lebanon really does not need to be a negative at this point. Will the Minister reassure us that everything is being done to help in that situation?

10.42 pm

The Minister for the Middle East (Dr. Kim Howells): I am very grateful to my hon. Friend the Member for Edmonton (Mr. Love) for raising the issue of Lebanon. We have shared in a number of debates in the past couple of weeks, and I know how passionately he feels not just about trying to stop the conflict, but about finding solutions to the frozen conflicts that have been going on for so long. I welcome the opportunity to update the House on the situation in Lebanon and on what the United Kingdom is doing to help.

First, I am sure that the House will share my deep concern about the deteriorating security situation in Lebanon. As my hon. Friend told us, yesterday saw protests that left at least seven people dead. It is essential that all political leaders urge their supporters to remain calm and respect the rule of law. The UK is investing £600,000 to train and equip the Lebanese armed forces to help them maintain public order and security during civil disturbances, while respecting human rights and limiting the risks of escalating violence. I hope that the reports that my hon. Friend has heard are not true—I cannot believe that the Lebanese army is responsible for these deaths. It has acted incredibly responsibly over the past 12 months. We have teams on the ground in Beirut delivering the training to which I referred. We hope that this will have a direct effect on the Lebanese Government's ability to preserve law and order amid the current tense political environment.

I also condemn utterly Friday's bomb attack in Beirut, which killed and injured several people, including Wissam Eid of the Lebanese internal security force. I express my sympathy and condolences to the families of those killed and injured. Captain Eid was involved in the investigation into the assassination of former Lebanese Prime Minister, Rafik Hariri, and his death must not be allowed to derail that important investigation or the work for justice in that case. A stable and prosperous Lebanon is an important component of our wider objectives of preventing conflict in the middle east and combating the threat of international terrorism in the region and, indeed, in the United Kingdom. A peaceful Lebanon is also crucial for all the communities in Lebanon, be they Christian, Sunni or Shi'a. Resolving the current political crisis, combating extremism and supporting the Government of Lebanon in their efforts to promote security and stability are, and will remain, high priorities for the United Kingdom.

I visited Lebanon last month to talk to political parties on both sides, to try to understand more closely the nature of the disagreements and to encourage the sides to work for a compromise. During my visit, I met politicians from the March 14 Government and the Opposition, and the head of the Lebanese armed forces, General Suleiman, who is the only candidate for President upon whom both sides can agree. I urged all parties involved to take advantage of the ongoing mediation efforts, and to work towards the election of a new President and the formulation of a functioning representative Government as soon as possible. I remain hopeful that a deal can be done, but it was clear from my discussions that a gulf of misunderstanding and mistrust lies between the sides. It is essential that all sides are able to overcome that in the interests of all communities in Lebanon.

I also went to see what remains of the Nahr El Bared refugee camp in northern Lebanon. The camp was devastated by three months of intensive fighting last summer between the Lebanese armed forces and the extremist group, Fatah al-Islam. The sight would have reminded you, Mr. Speaker, of pictures of Stalingrad after the huge battle in world war two. I had never seen such devastation. I saw terrible devastation after the Israel-Lebanese—or Israel-Hezbollah—war of a year last July. It was an extraordinary sight. As somebody said to me there, Fatah al-Islam is neither Fatah nor Islam, but it is a very dangerous group.

The visit highlighted to me the suffering of those civilians caught up in the fighting—30,000 of them in that camp have been displaced—and, most of all, the bravery of the Lebanese army, which suffered the killing of more than 150 soldiers during the fighting last summer. We ought to remember that the country is awash with arms. When the so-called Fatah al-Islam went in there—we do not know where it came from; it could have been Syria, but it might have been other places—it did not have to take guns, cannon, grenades and rocket launchers, because those things were already there. They had been put there by Yasser Arafat's forces many years previously. Fatah al-Islam easily outgunned the Lebanese armed forces when they went to try to restore some degree of order to that area. It is a warning to all of us that this is an extraordinarily dangerous place. It is a tinderbox that could easily catch fire. Indeed, it remains a cause of deep concern, and it is an area in which the UK is looking to help.

[Dr. Kim Howells]

Palestinian refugee camps are also, of course, a breeding ground for extremists who seek to destabilise Lebanon and the wider region. I do not believe that those extremists have much support among the majority of Palestinians, or among the wider Lebanese population, but they are nevertheless seeking to strengthen the foothold they have among a small minority. We are working in camps at the grass roots level to counter that radicalisation. We are also working with the UN and the Government of Lebanon to counter the fundamental causes of the radicalisation by improving the physical, legal and economic conditions of the refugees, which are pretty appalling.

If I may, I shall give the House a brief update on the current political situation in Lebanon and its implications for the country's security and stability. As my hon. Friend told us, President Lahoud's mandate expired on 23 November 2007. Since then Lebanon has been without a president. Parliamentary votes to elect a successor have been delayed 13 times. Both the governing March 14 coalition and the Opposition have agreed on General Suleiman as candidate for the presidency, but the Opposition coalition are insisting on a package deal, involving not only agreement on a president, but on the distribution of seats in a Cabinet in a new national unity Government. That raising of the stakes has made getting an agreement even more difficult.

It is essential that both sides continue to work to resolve their differences free from outside obstruction and interference. In particular, we call on Syria to respect Lebanon's sovereignty and its independent democratic institutions, as stated in numerous UN Security Council resolutions. Syria's actions in Lebanon, and its unacceptable internal human rights record, highlight the regime's lack of respect for democratic norms. In past months, we have seen a worrying deterioration in the human rights situation in Syria, with activists being detained simply for holding a meeting calling for greater democratic rights. There are reports that those activists are now being held in poor conditions. The use of torture also remains a serious concern, and there are several reports of other suspects dying during interrogation. We call on Syria to address that situation urgently. The British embassy in Damascus, working with other EU missions, continues to press the Syrians to improve conditions in general, as well to raise individual cases of concern.

The international community has a role in supporting Lebanese leaders to resolve the crisis. We have consistently supported efforts by France and the Arab League to help the Lebanese find a way out of the current impasse. My visit was aimed squarely at supporting those efforts, and at getting Lebanese leaders to take the necessary difficult decisions, in the interests of all the people of Lebanon. I remain firmly convinced that a deal is within reach, if the political will is there. We must continue to support and encourage those efforts.

Most recently, the Arab League has led international efforts to promote a resolution. Arab League Foreign Ministers met on 5 January to discuss the situation and agree a plan of action. I pay tribute to Amr Moussa, the Arab League Secretary General, who subsequently visited Beirut in a renewed push. I hope that his initiative succeeds and I urge the Lebanese leaders to seize the opportunity that Amr Moussa's leadership provides.

The UK is taking practical steps to encourage a resolution. We have been working closely with international partners, particularly with our partners on the UN Security Council and in the EU, to provide political support to mediation efforts. As well as my visit, the UK special representative to the middle east, Michael Williams—an experienced diplomat—visited Lebanon last year to help promote a resolution. Of course, the British ambassador in Beirut, Frances Guy—a very talented and dedicated ambassador—continues to meet the key political figures regularly. In addition, we hope that Prime Minister Siniora will visit London in the near future. I agree with my hon. Friend that it would be an important visit.

Mr. Love: I am very heartened by what my hon. Friend has said so far. I hope that either the Prime Minister's representative or a Minister from the Foreign Office will be able to visit the area in the near future to show that solidarity. I understand that an application has been made on behalf of Prime Minister Siniora, and I hope that my hon. Friend will ensure that it is expedited, so that we can show our solidarity with the Government of Lebanon.

Dr. Howells: I can certainly give my hon. Friend that undertaking. I have great regard for Prime Minister Siniora, who is a very brave man. He has never flinched from the responsibilities of his post and we would very much like him to visit.

I pay tribute to the peacekeepers of the United Nations interim force in Lebanon. My hon. Friend mentioned the fact that some of them had died in attacks in the past six or seven months. They were cowardly attacks—there have been roadside bombs, and innocent bystanders have been killed. I am afraid that such attacks have been replicated in Iraq and Afghanistan. There is a pattern to them, and it is very worrying.

The British embassy in Beirut is monitoring the security situation closely, and advice to British citizens in the country is, of course, regularly updated. I know that my hon. Friend will pay tribute to the tremendous job done by our people in Lebanon, and to our armed forces for the job that they did in July 2006. They faced a huge exodus of British and other citizens from Lebanon, while bombs and rockets fell all around. They did an enormous job.

Finally, I turn to the practical assistance that the UK is providing to the Government of Lebanon to help them in their efforts to promote security. First, we continue to work closely with the Lebanese Government to implement UN Security Council resolution 1701, which ended the conflict in 2006 between Israel and Hezbollah. Our focus is on working with the Lebanese to improve their border security and prevent the illegal flow of arms across the Syria-Lebanon border. To date we have invested £800,000 in training and equipment to improve Lebanon's border security. I went there to see it for myself. A good job is being done in the north of the country, but the terrain is very difficult. It is ideal terrain for smugglers; they smuggle not just guns but all kinds of matériel across the border.

The special tribunal for Lebanon has the United Kingdom's strong support. Achieving a swift and just outcome to the investigation into the death of former Prime Minister Rafik Hariri will be vital to demonstrate that acts of political violence in the middle east will not go unpunished. The United Kingdom co-sponsored Security Council resolution 1757, which brought into force the agreements necessary to establish the tribunal. We also committed $1 million to getting the special tribunal up and running. That underlines our commitment to promoting the rule of law in Lebanon.

The United Kingdom will continue to work strenuously with international partners for a resolution of the current political crisis, as well as on the wider challenges that Lebanon faces. Of course, the Lebanese must ultimately take responsibility for resolving their political crisis, but it is crucial that Lebanon's international friends play a supportive role. Lebanon should not once again become a battlefield in which countries with opposing interests play out their differences, and fight their wars by proxy. It is not in the interests of Lebanon, its neighbours, or the region for the dangerous political vacuum there to drag on.

Sensible compromise solutions to the political crisis have been proposed, most recently by the Arab League. Lebanon's political leaders should have the courage to make compromises and provide the country with the stability that it needs to address the pressing economic, security and institutional challenges that it faces.

I am glad to have been able to respond to my hon. Friend's debate. I am sure that the subject will raise its head again many times in the House, but I hope that the circumstances in Lebanon will be less disastrous than they were in the past.

Question put and agreed to.

Adjourned accordingly at two minutes to Eleven o'clock.

House of Commons

Tuesday 29 January 2008

The House met at half-past Two o'clock

PRAYERS

[Mr. Speaker *in the Chair*]

PRIVATE BUSINESS

Canterbury City Council Bill

Order for Second Reading read.

To be read a Second time on Tuesday 5 February.

Leeds City Council Bill

Order for Second Reading read.

To be read a Second time on Tuesday 5 February.

London Local Authorities (Shopping Bags) Bill

Order for Second Reading read.

To be read a Second time on Tuesday 5 February.

Northern Bank Bill

Read a Second time, and referred to the Examiners of Petitions for Private Bills.

Nottingham City Council Bill

Order for Second Reading read.

To be read a Second time on Tuesday 5 February.

Reading Borough Council Bill

Order for Second Reading read.

To be read a Second time on Tuesday 5 February.

St Austell Market Bill

Read a Second time, and referred to the Examiners of Petitions for Private Bills.

Bournemouth Borough Council Bill *[Lords] (By Order)*

Order for Second Reading read.

To be read a Second time on Tuesday 5 February.

Manchester City Council Bill *[Lords] (By Order)*

Order for Second Reading read.

To be read a Second time on Tuesday 5 February.

Oral Answers to Questions

JUSTICE

The Secretary of State was asked—

Powers of Attorney

1. **Tony Baldry** (Banbury) (Con): How many applications in relation to enduring powers of attorney have been lodged with the Office of the Public Guardian since 1 October 2007. [182466]

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): From 1 October 2007 to 18 January 2008, the Office of the Public Guardian received 6,318 applications to register enduring powers of attorney and 2,746 applications to register the new lasting powers of attorney, which replaced enduring powers of attorney when the Mental Capacity Act 2005 came into force on 1 October.

Tony Baldry: I am grateful to the Minister for that answer. Sir Mark Potter, the president of the family division, states that since opening for business on 1 October 2007, the Office of the Public Guardian has been all but overwhelmed by the unexpectedly high level of business, particularly in relation to enduring powers of attorney. Can the Minister give the House an assurance that the OPG has the resources it needs to carry out the tasks that Parliament set it in the 2005 Act, particularly in relation to enduring powers of attorney, which are very important for many people?

Bridget Prentice: The hon. Gentleman makes a very important point. These are people who are at their most vulnerable, so it is vital that we get the service right. It is true that the OPG received far more applications than it had initially expected and that there was a small backlog in some areas, but I have investigated thoroughly and I can assure him, and the rest of the House, that it has been rectified. For example, more than 85 per cent. of calls to the contact centre are being answered within the 60-second target. Things are moving in the right direction.

Electoral Systems

2. **Richard Burden** (Birmingham, Northfield) (Lab): If he will make a statement on the Government's review of electoral systems. [182467]

The Minister of State, Ministry of Justice (Mr. Michael Wills): I made a written ministerial statement on 24 January, announcing the publication of the review of voting systems. Copies of the review have been placed in the Library.

Richard Burden: I thank my hon. Friend for that reply. In responding to the review, Ministers have said that it is an important contribution to the debate about the strengths and weaknesses of different voting systems, and the options for electoral reform. As the review is essentially desk research, it raises the question

of where that debate will take place. Is there not now a case for asking voters—engaging the public in the debate—what kinds of different electoral systems can best contribute to different forms of politics and what they want from their political system in this country?

Mr. Wills: It was precisely for that reason—to inform the kind of debate that my hon. Friend wants—that we published the review. This is an important issue, and we look forward to hearing the results of that debate.

Mr. Nicholas Soames (Mid-Sussex) (Con): Does the hon. Gentleman agree that whatever changes may be made to the voting system—this paper is clearly an important one—it also matters how the system of voting works? Does he also agree that the changes that his Government have initiated in the past have not been an outstanding success, and that one of the things that dignified our democracy in the past was the absolute integrity and assurance of our voting system? Will he please put it back to what it was?

Mr. Wills: I certainly agree with the hon. Gentleman on the first part of his question, because of course such matters are fundamentally important. However, I do not agree with the second part. We have always taken the integrity of the voting system seriously. The legislation that we have passed has had that absolutely at its heart, but we have a problem—as I hope the hon. Gentleman will recognise—with the disengagement of significant parts of the electorate from the political system. All of us owe it to our electorate to do whatever we can to increase participation. That is what has driven our reforms, and it will continue to drive our approach, but I can assure the hon. Gentleman that the integrity of the system remains fundamental.

Mr. Denis MacShane (Rotherham) (Lab): But did we not set up the Electoral Commission to consider these ideas? Since its creation, we have seen voting turnout decline, confidence in politicians fall, and the Council of Europe has criticised our postal voting. We give that outfit £27 million a year. Why?

Mr. Wills: I am grateful to my right hon. Friend for his contribution, although I am not sure that it is fair to suggest, as he seems to do, that all those phenomena are the fault of the Electoral Commission. We are reforming the commission. We want it to improve its performance and we are confident that it will do so.

Sir Peter Tapsell (Louth and Horncastle) (Con): Has the Minister noted that Signor Prodi has recently pointed out that proportional representation has made it almost impossible to govern Italy?

Mr. Wills: As always, the hon. Gentleman makes an invaluable contribution to the debate.

Mr. Jim Devine (Livingston) (Lab): Will my hon. Friend take evidence from Scottish councillors who are now enjoying—if that is the correct word—the single transferable vote electoral system? It means that we have more than one councillor a ward, and as a consequence, instead of one councillor being directly accountable to his or her constituents and visiting the community council, two or three have to turn up at gala day committees and such like. That has a very detrimental effect on their health.

Mr. Wills: That is another valuable contribution to the debate and I am delighted that the review of voting systems has already produced such an interesting collection of views.

Mr. Jonathan Djanogly (Huntingdon) (Con): Is it not the case that this so-called review of electoral systems is actually little more than a cover for the Government's abject failure to address existing electoral issues, such as the need to counter rampant electoral malpractice, poor voter registration levels, hopeless electronic voting projects and the dire need for sensible party funding proposals?

Mr. Wills: Up until this moment, we have heard an interesting collection of views on the review of voting systems. I am sorry that the hon. Gentleman did not feel able to address the issue at point. The answer to his question is, in short, no.

Mr. Nigel Evans (Ribble Valley) (Con): I do not know what latitude the Minister has to look into the way in which European Union elections are operated. We have a problem with parliamentary elections for Westminster, but the turnout in European elections is much lower. Can he look into that so that we could perhaps return to the old system and, instead of the discredited proportional representation list system, we could have proper European constituencies, with one MEP representing one set of people?

Mr. Wills: Of course we will look into that. The whole point of the review of voting systems is to invite contributions to the debate about something that is fundamentally important to the health of our democracy.

Parliamentary Candidates (Expenditure)

3. **Tom Levitt** (High Peak) (Lab): What steps he plans to take to limit spending by parliamentary candidates between elections. [182468]

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): The issue of expenditure limits has, as my hon. Friend knows, recently been considered by the Constitutional Affairs Committee, by Sir Hayden Phillips's review and during inter-party talks. The Government were committed, under the Queen's Speech, to bring forward proposals on party finance and expenditure, and work on that is in hand.

Tom Levitt: My right hon. Friend will know that the Political Parties, Elections and Referendums Act 2000 removed the triggering of election expenses from electoral law. That has led to a situation in which tens of thousands of pounds are already being spent by some candidates in marginal seats as though an election had already been called. That is being done on the basis, presumably, that they hope that the candidate with the most money, rather than the best policies, will win the next election. Although the issue of triggering was not covered by the Hayden Phillips inquiry, will my right hon. Friend consider reinstating the 1983 legislation on the triggering of election expenses?

Mr. Straw: It is a moot point whether the legislation or its subsequent interpretation has made it more difficult to enforce limits locally, but it is clear that a combination perhaps of the detailed drafting of the Act and its subsequent enforcement has had a consequence that no

one on either side of each House ever intended—indeed, the opposite was the case, as the then Conservative spokesman in the Lords, the late Lord Mackay of Ardbrecknish put on record in Committee in the other place at the time. All of us at the time believed on very good evidence that that part of what became the 2000 Act was faithfully implementing Lord Neill's conclusions—shared by all the parties, as he said, who gave evidence to his Committee—not just to maintain the existing controls, but in his words, to buttress them.

Mr. David Heath (Somerton and Frome) (LD): Does not the Lord Chancellor except that, after the events of the past few weeks, we need not only rules that work, but rules that everyone stick to? On that basis, will he now bring forward as a matter of urgency the proposals set out by Sir Hayden Phillips—not just the bits that suit any one party, but the whole package—fundamentally to reform the system of party funding before irreparable harm is done to our democratic systems?

Mr. Straw: As the hon. Gentleman in particular knows, the all-party talks were operating on a good consensual basis until earlier in the summer last year, and I am very reluctant to proceed without a consensus, because the system of party funding should not advantage or disadvantage in a partisan way one party or another. He will also know that the recommendations in the report of Sir Hayden Phillips were "welcomed"—that was the phrase used—by the then Opposition spokesperson, the right hon. Member for Maidenhead (Mrs. May), and it is a matter of concern to us that the Conservative Opposition have moved far away from what was proposed. But it is also clear that there was, and I believe there remains, a complete consensus. Anyone who reads the record going back to the recommendations of Neill, back into the 1980s, and back to the debates on the 1999 draft Bill, which became the 2000 Act, will see that everyone in every part of both Houses believed—indeed, the Conservative Opposition in the other place proposed an amendment to clarify the law to make this clear, although at the time Ministers thought that was not needed—that the 1983 controls would continue to operate and be completed by the national controls that Neill proposed.

Martin Linton (Battersea) (Lab): I thank my right hon. Friend for what I took to be a clear statement of an intention to close the loophole, whether by legislation or by guidelines. If legislation is used, what is the earliest date by which he would hope to close that loophole, given the clear statement in an article in *The Times* earlier this month that the deputy chairman of the Conservative party is already pouring money into constituencies?

Mr. Straw: I do not know which deputy chairman my hon. Friend is talking about, but if it is the one that I have in mind, that person is on record, as he was in the other place in a speech that he made in November 2006, saying that there should be no controls whatever on expenditure by parties.

As for any proposals, as the Queen's Speech said, we are committed to introducing proposals in respect of party finance and expenditure. The Government have yet to make the final decisions, but they will be made shortly.

Mr. Alan Beith (Berwick-upon-Tweed) (LD): Does the Lord Chancellor recall that the Select Committee on Constitutional Affairs produced its unanimous report on the basis that both spending between elections and trade union funding for the Labour party needed to be addressed? It was therefore a balanced package. If he were to proceed on those lines, he could hardly be accused of being partisan for doing so.

Mr. Straw: I do indeed recall that, and the proposals in Hayden Phillips's report cause difficulties, albeit not symmetrically, certainly for both the main parties and to some extent for the Liberal Democrat party as well, but those proposals were, and are, a package—not some kind of à la carte menu—and they need to be proceeded with on that basis. That is my profound concern. Meanwhile, as I say, I have now looked with great care at something that was not directly considered—I am not seeking to make any point—either by Hayden Phillips or, indeed, in the Select Committee report, which I have not only read, but have with me today, for the purposes of greater accuracy. It is absolutely clear, as I have remembered and is now confirmed, that Neill wanted to build on the 1983 controls and absolutely no one on either side of the House thought otherwise, so much so, as I have said, that the late John Mackay—Lord Mackay, who was the Conservative spokesman in the other place and who was well known in this House—moved amendments to address concerns about local controls being dissolved. He was reassured—as it turned out, in error, but in good faith—by Ministers that those controls would not be undermined in any way.

Paddy Tipping (Sherwood) (Lab): Does the Lord Chancellor accept that it will not be easy to impose spending caps of the type advocated, and that fraud and avoidance will be relatively easy? Given that, will he work hard to bring forward a package of proposals supported throughout the House that recognises the historical link between trade unions and the Labour party?

Mr. Straw: The truth is that controls of any kind can be evaded, which is a criminal offence, or avoided, which may be just within the law but is not within the spirit of the law. It is incumbent on all parties to ensure that we do not go down the same route that some taxpayers—one fully understands why—go down. It is equally important, as the Select Committee on Constitutional Affairs pointed out, that account is taken of the different parties' different circumstances. That used to be the Conservatives' approach, but I regret to say that they have abandoned it.

It also needs to be put on record yet again that the Conservative party made major changes and tightened controls on trade unions' political funds throughout the 1980s. Although we did not like those changes, we came to accept them in the mid-1990s. When Neill reported in 1998, he not only said that he had no proposals to change them but quoted the Conservative party's official evidence to him:

> "The question of trade union funding of parties is not a matter of direct concern to the Conservative Party. We recognise the historic ties that bind the trade union movement with the Labour Party…The Conservative Party does not believe that it is illegitimate for the trade union movement to provide support for political parties."

Moreover—

Mr. Speaker: Order. I must say gently to the Secretary of State that I have an Order Paper to get through.

Data Protection

4. **John Barrett** (Edinburgh, West) (LD): What consideration his Department has given to bringing forward proposals to strengthen data protection. [182469]

The Minister of State, Ministry of Justice (Mr. Michael Wills): The Ministry of Justice is considering how to take forward proposals to enable the Information Commissioner to inspect all public sector organisations without prior consent, the introduction of new funding arrangements for his office and new penalties under the Data Protection Act 1998 for the most serious breaches of data protection principles. We will be launching a consultation on those issues soon, and will take whatever action is necessary as a result of the reviews being carried out by Sir Gus O'Donnell, Kieran Poynter, Dr. Mark Walport and Richard Thomas, the Information Commissioner.

John Barrett: I thank the Minister for that answer, but given that in the past eight years about five laptops have disappeared every month from a single Department, the Ministry of Defence, does he agree that the time is now right to consider the Liberal Democrat proposals to make reckless handling of data a criminal offence—proposals that the Government dismissed out of hand at the time?

Mr. Wills: As I said, we are looking at how to take measures forward, and considering new legislation will be part of that. We are in active discussion with the Information Commissioner about how best to do so.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): The Minister will be aware that many schemes for shared services are going forward throughout Whitehall. Given that, in the case of the Department for Transport, that would mean incorporating very large amounts of data, will he bear in mind that that is not always the best way to organise one's affairs?

Mr. Wills: The hon. Lady is right to be cautious—

Mrs. Dunwoody: Actually, I am a Friend.

Mr. Wills: Sorry—my hon. Friend. I am extremely grateful to her for reminding me of that fact. She will recognise that there are huge benefits in data sharing to citizens and everyone who uses public services, but of course we must be cautious about everybody's right to privacy and the security of data. That is precisely why we asked Dr. Mark Walport and Richard Thomas, the Information Commissioner, to conduct a review. They will report within the next few months.

Sir Paul Beresford (Mole Valley) (Con): Following on from the previous question, does the Minister agree that the greater the centralisation of data and the more personal data collected, the more valuable they are to criminals and terrorists? Is he looking to the increase that one would expect in hacking and the possibility—it has already happened with records in this country—of huge bribes being paid? Once the data are gone, the horse has bolted from the stable.

Mr. Wills: As I have just said, there are clearly important issues of principle that predate the recent and very regrettable incidents that have taken place. There is no question but that there is a serious problem with the way that data are kept in both the private and the public sector. That is not specific to the public sector, and it is to do with the changing way that records are kept electronically, which has changed dramatically in the past 10 to 15 years. Both the private and the public sector must change the way that they do business in order to keep up with that. That is precisely what we are doing and why we have had the reviews. To suggest, however, that there is no case for keeping any data at all ever is simply incredible.

Mrs. Eleanor Laing (Epping Forest) (Con): I am pleased to hear what the Minister said about some of the things that the Government are thinking of doing, now that they have been proved to be so incompetent in the handling of secure data, but I wonder why the Minister is still dithering. There is a Bill in the House of Lords—the Criminal Justice and Immigration Bill—into which amendments could be inserted that would deal with the matter by creating an offence of recklessly mishandling data. The Minister could do that right now, instead of holding more reviews and thinking about it. I am delighted that he said that the Information Commissioner is to have greater powers. I hope that means that the Information Commissioner will be able to undertake spot checks of Government Departments—

Mr. Speaker: Order. The hon. Lady should be asking a supplementary question, not making a speech. Perhaps the Minister can reply.

Mr. Wills: Speaking personally, I am always happy to listen to the hon. Lady for as long as she wants to talk. However, may I point out to her that we are already introducing legislation to deal with the offence of knowingly and recklessly misusing data. I remind her that it was this Government who brought in the Data Protection Act 1998 and who have continued to make sure that it is updated and meeting the needs of the circumstances. I remind her that her party showed so little interest in the matter that it was not mentioned in their 2001 manifesto or in their 2005 manifesto. I am delighted that the Conservatives are now taking an interest in it and I hope she will support the measures that we are introducing to deal with those issues.

Courts Staff (Pay)

5. **Mr. Eric Illsley** (Barnsley, Central) (Lab): What progress has been made on the introduction of regional pay rates for courts staff; and if he will make a statement. [182470]

The Parliamentary Under-Secretary of State for Justice (Maria Eagle): Five regional pay ranges were implemented for staff joining Her Majesty's Courts Service with effect from 1 August 2007. Existing staff have been given the option of taking up a four-year pay deal,

including the five regional pay ranges, or remaining on existing terms and conditions. We expect 95 per cent. of staff to opt for the new arrangement.

Mr. Illsley: My hon. Friend will be aware that there is a great deal of disappointment among court staff at the introduction of a system of pay that is divisive and unfair—an old-fashioned and discredited form of regional pay. Let me give a couple of examples to show why the system is unfair. Staff in Sheffield are paid at a different rate from those in Leeds, and staff in both cities are paid at different rates from the pay in Liverpool and Manchester. Another example is that court staff at Mold Crown court are paid at an enhanced rate of pay simply because that is the headquarters of the regional manager.

Maria Eagle: The last point that my hon. Friend made is not an accurate reflection of the differences between Mold and Wrexham. Regional pay is a reality which Her Majesty's Courts Service is reacting to, not creating. Ninety per cent. of staff have opted into the deal that is set out in the new arrangements. The aim is to create a single set of conditions to replace more than 50 existing schemes that Her Majesty's Courts Service inherited when it came into being, in order to address three issues—recruitment and retention, low pay, and rewarding good performance. One in four staff, a majority in the lowest grades, will see a 20 per cent. increase in their pay over the next four years. That is a good thing, and the staff are voting with their feet and opting in.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): Could the Minister tell the House why differential pay rates based on gender are, rightly, unlawful and absolutely wrong, but differential pay rates based on geography seem to be a good idea?

Maria Eagle: The Courts Service is reacting to regional pay, not creating it. Such pay is based on local labour markets and jobs available in the relevant area; there is no discrimination based on anything other than the local realities. Recruitment, retention and being able to do the job that the Courts Service is there to do are the basis of the arrangements. So far, 90 per cent. of staff have opted into them.

Julie Morgan (Cardiff, North) (Lab): Will my hon. Friend have another look to see whether it is possible to withdraw the lowest regional pay range? I do not know whether she is aware that—in Wales, certainly—the majority of court workers affected are women. The wages of people in Wales are already lower than those in the rest of the UK, and that sort of proposal makes it much more difficult to close the prosperity gap.

Maria Eagle: I am always happy to look at things when Members suggest that I do so, and I will do so. However, I reiterate that 90 per cent. of staff have already opted into the arrangements. Built into those arrangements is an intention over the next four years to increase the lowest pay rates significantly over other pay rates. We will do that. The arrangements will improve pay for those on the lowest bands more than for those at higher levels.

Mr. Humfrey Malins (Woking) (Con): The Minister will know that the company Serco provides staff for Crown courts and magistrates courts across the London area. Those staff bring prisoners to court and then up from the cells into the dock. Is the Minister aware that courts in London are in some chaos at the moment because Serco appears to be dreadfully understaffed, not having enough people to do the job properly? Is that because the company is not efficient enough, or are the Government simply not paying the proper rate to get a proper job done?

Maria Eagle: The arrangements are contracted. Serco has standards to meet; if the hon. Gentleman is saying that those standards are not being met, I shall be happy to look into specific instances that have been brought to his attention. However, the arrangements are made on the basis of a contract and as far as I am aware, they are working well.

Freedom of Information Act

6. **Norman Baker** (Lewes) (LD): What plans he has to bring forward amendments to the Freedom of Information Act 2000. [182471]

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): The Freedom of Information Act 2000 has now been in force for three years and appears to be working well, although we keep it under continuous review. We are not proceeding with amendments to the fees regulation. However, we are consulting on whether to extend FOI coverage to a range of organisations that are in the private sector, but carry out public functions. An independent review of the 30-year rule is under way and due to report this summer.

Norman Baker: I welcome that response, and agree with the direction of travel that the Secretary of State is taking. Does he agree that it is a nonsense that the British Potato Council is covered by the 2000 Act but private water companies, which provide an essential and monopolistic service, are not? Furthermore, the British Railways Board, which simply exists in a cosy corner somewhere, is covered, but Network Rail is not. Will he sort that out?

Mr. Straw: I fully understand the hon. Gentleman's point and thank him for his earlier remarks. As the boundary between the public and private sectors for the delivery of what are essentially public services has moved, so we believe that the arrangements should move as well. That is why we are consulting on the matter.

Mr. Gregory Campbell (East Londonderry) (DUP): Would the Secretary of State consider amendments to the 2000 Act that would protect the public's right to the information but guard against repeated, petty and often exorbitant requests that are made frequently and do nothing to add to freedom of information?

Mr. Straw: There is already a large array of safeguards in the Act and within the practice of the Information Commissioner. If the hon. Gentleman has specific examples of concern to him, I am ready to follow them up, including with the commissioner.

Redditch Prison

7. **Miss Julie Kirkbride** (Bromsgrove) (Con): What discussions he has had over his merging of Her Majesty's Prisons Blakenhurst, Hewell Grange and Brockhill as HMP Redditch. [182472]

The Minister of State, Ministry of Justice (Mr. David Hanson): The Prison Service discussed the merger internally, with staff associations and trade unions, and consulted a number of agencies, including Worcestershire county council, over the change of name to HMP Redditch. Following representations, I have agreed to an extended consultation on the name of the site; the deadline for submissions is 1 March.

Miss Kirkbride: I am grateful to the Minister for that answer. As he will be aware, the three prisons that are to be called HMP Redditch reside in the Bromsgrove local authority area and the Bromsgrove parliamentary constituency. Could he be clearer about whether he consulted his right hon. Friend the Home Secretary, in his sister Department, on the decision to call the prison HMP Redditch, which has been controversial in the neighbouring seat?

Mr. Hanson: As I said, the consultations took place with people who work in the prison, the local council—Worcestershire county council—and a number of other agencies. Following representations from Redditch borough council, Bromsgrove borough council, the hon. Lady and the Secretary of State for the Home Department, my right hon. Friend the Member for Redditch (Jacqui Smith), I have decided to allow for a further period of consultation on the name of the proposed cluster of prisons. I think that that is fair, and I hope that the hon. Lady will welcome it, examine it in detail and give us her response before 1 March.

Mr. Edward Garnier (Harborough) (Con): Reading today's written statement from the Secretary of State, it seems that it is not just these three prisons that are being merged. Whatever the merits of the Redditch decision, will the Minister specify three steps that he has taken since 1 January that will expeditiously improve public safety, cut reoffending, reduce prison overcrowding and deal with the public perception that the only thing that we hear from within the Ministry of Justice is the scraping of deckchairs around the decks of the Titanic?

Mr. Hanson: The hon. and learned Gentleman does himself a disservice. He knows that we are putting the greatest resources into new prison places in the history of Government, that we will put in place 16,000 extra prison places between now and 2011-12, and that we are securing a greater reduction in reoffending than ever there was under the Conservative Government. On the question of HMP Redditch, or whatever we finally agree to call it following the consultation, I would say to him that the clustering will save £650,000 in the next financial year and £860,000 in the financial year after that. As regards efficiencies, we are acting on them while he is simply talking about them.

Private Sector Prisons

8. **David Taylor** (North-West Leicestershire) (Lab/Co-op): What recent representations he has received on the performance of prisons run by private sector organisations. [182473]

The Minister of State, Ministry of Justice (Mr. David Hanson): Since 9 May 2007, I have received a number of submissions in relation to the performance of prisons run by private sector organisations. I am also provided with regular updates on the performance of private prisons through the independent monitoring board reports and the National Offender Management Service quarterly reports.

David Taylor: Private prisons have been an utter disaster, with abject assessments on the key requirements of security, maintaining order and reducing reoffending. No wonder 90 per cent. of them languish in the lowest poor performance quartile of the 132 jails in England and Wales: see early-day motion 752. Why is this track record of private contractors allowed to continue, with the love affair with the profit motive producing environments that the chief inspector of prisons, no less, describes as

"unsafe and unstable for both prisoners and staff"?

Mr. Hanson: I know that my hon. Friend has some reservations, dare I say it, with regard to the private prison sector, but I would say to him that direct comparisons between public and private sector establishments on the scorecard are not appropriate and that private prisons are providing a valuable function in the custodial estate. He will know that we are looking at a new assessment framework to see how we can drive up standards in both the public sector and the private sector. I hope that he will share the Government's aspiration to ensure that we undertake proper assessment and tackle underperformance where it exists.

Sir Nicholas Winterton (Macclesfield) (Con): What is the quality of the provision made in private prisons for education, training, skills and rehabilitation so that more people come out of prison able to enter a proper responsible life outside prison? It is important that those facilities be provided. What is the level and quality of that provision in our private prisons?

Mr. Hanson: I know that the hon. Gentleman takes a great interest in this matter, which is important because the quality of education, training and employment can affect the prospects for limiting reoffending when people leave prison. I recently visited Parc prison, in the constituency of my hon. Friend the Member for Bridgend (Mrs. Moon), and other private prisons, where significantly good work is going on to match employers with offenders, to look at investment in training, to ensure that people are prepared for life outside prison, and to help to reduce reoffending. There will always be variations in the level of provision and variations between some private prisons and some public prisons. The job of Government is to drive up quality throughout the public and private sectors to achieve the end that the hon. Gentleman shares with us.

Northumbria Probation Service

9. **Mr. David Anderson** (Blaydon) (Lab): What assessment he has made of the likely effect of budget changes on services provided by Northumbria probation service. [182474]

The Minister of State, Ministry of Justice (Mr. David Hanson): Northumbria's probation budget will increase by more than 2 per cent. in 2008-09. The regional offender manager and probation staff are examining the service levels based on that increase.

Mr. Anderson: Is the Minister aware that the probation service has said that it expects a 5.31 per cent. deficit by March 2011? That could impact on the service offered to offenders, and lead to the loss of 24 posts. It could mean that 24 trainee probation officers are not put in post, which would be a waste of £800,000 of public money. There are also threats to employees' terms and conditions. Is that what the Minister meant when he met me last year to say that things were going to get better?

Mr. Hanson: I say to my hon. Friend—I hope that he will accept this—that this year Northumbria's budget will increase from more than £25.484 million to more than £25.995 million, which is an increase of more than 2 per cent. Northumbria has been able to recruit 24 trainee probation officers. The national staffing levels in the probation service have risen by more than 49 per cent. from more than 13,000 to more than 20,000 in the past 10 years of Labour Government. The number of staff in post in Northumbria stands at 644, and the regional offender manager and the probation service will try to live within the 2 per cent. increase for next year. I met my hon. Friend in Northumbria during the summer, and I am happy to meet him again to discuss the issues should he so wish.

Peers (Disqualification)

10. **Mr. Gordon Prentice** (Pendle) (Lab): If he will bring forward proposals to disqualify from membership of the House of Lords those peers who are not UK residents for tax purposes. [182475]

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): The Government are developing proposals on disqualification criteria as part of their comprehensive package on Lords reform. A cross-party group is currently considering that and other matters, and its views will be reflected in a White Paper on Lords reform to be published in due course.

Mr. Gordon Prentice: I hear what my friend says, but is it not an absolute disgrace and a scandal that people such as Lord Laidlaw, a Conservative peer and donor who is a tax exile in Monaco, are serving in this Parliament? For all I know, there may well be others. Is this not a matter of urgency? I appreciate what my friend said about the forthcoming White Paper on Lords reform, but the issue has to be tackled. People outside this place would be incredulous that people who do not pay our taxes are making our laws.

Bridget Prentice: I may not speak with the same passion as my hon. Friend on this subject, but I can tell him that the Government believe that Members of the House of Lords should pay tax in the United Kingdom. As I told him when he introduced his private Member's Bill on Friday, we are prepared to endorse the principles behind it. If amendments are tabled in Committee to deal with this matter, we will be more than prepared to consider them.

Female Convicts

12. **Annette Brooke** (Mid-Dorset and North Poole) (LD): What recent consideration he has given to changing the types of establishment in which female convicts are detained. [182477]

The Parliamentary Under-Secretary of State for Justice (Maria Eagle): The Government's response to the Corston report makes a commitment to consider the future of the women's custodial estate. A project has been set up to examine Baroness Corston's recommendation that the women's estate should be replaced with smaller, geographically dispersed custodial units. I hope that that project will report to Ministers in April.

Annette Brooke: Can the Minister give some indication of the time scale? The Corston review was published about nine months ago, and can be contrasted with the Carter review, which recommended the expansion of male prisons. It seems as if all the available money is being targeted at the men, while women are being left in conditions that are totally unsuitable, given that 70 per cent. of female prisoners have mental health conditions.

Maria Eagle: I do not accept that—and the figures that I have suggest that 80 per cent. of female prisoners, rather than 70 per cent., have diagnosable mental ill health. The hon. Lady is not right to suggest that the approaches are separate. There is no doubt that the work that we are doing through the project to which I referred, which will establish more detail about how the reconfiguration of the women's estate would work, as well as how smaller units would work and the extent to which they would be appropriate, will inform our estate strategy. Lord Carter referred in his report to the need to ensure that investment under that programme is made in such a way that it can assist in ensuring that women are not disadvantaged in the custodial system. The hon. Lady has made it clear that the needs of women are often different, and I agree with her. That is why I am the ministerial champion whose role is to ensure that we implement in a sensible way the 40 of the 43 recommendations in Baroness Corston's report that we have accepted. These approaches can go hand in hand.

Rape Victims

14. **Mr. Adrian Bailey** (West Bromwich, West) (Lab/Co-op): What steps he is taking to ensure that victims of rape are adequately supported and protected by the criminal justice system. [182479]

The Parliamentary Under-Secretary of State for Justice (Maria Eagle): We are extending the network of sexual assault referral centres, which are piloting the use of

independent sexual advisers to provide advocacy and support for victims, and providing funding for voluntary organisations to support victims of sexual violence. We have also introduced specialist police officers and prosecutors who can provide support to victims and help to make sure that rape is properly prosecuted.

Mr. Bailey: During the past 10 years, the number of reported rapes has more than doubled, but the number of prosecutions has remained obstinately low at under 6 per cent. One of the main reasons for that is the failure of many women to pursue prosecutions. Will the Minister outline a little further what is being done to encourage and support women to do that?

Maria Eagle: I think that the figure that my hon. Friend mentioned refers to the conviction rate, rather than the prosecution rate. He is correct, however, that attrition—complainants withdrawing their complaints—is one of the main reasons why those conviction rates are still unacceptably low. The cross-government action plan on sexual violence and abuse focuses on increasing the level of support that the criminal justice system gives to victims to enable them to take their complaints forward, to ensure that we get more convictions. The sexual referral centres deal with that process. There were only five of them in 2001, and there should be at least 36 by the end of this financial year. The independent sexual violence advisers, who currently work in 38 areas, can give support and advocacy to ensure that complainants proceed through what is often a difficult process to make sure that there are convictions. For the convictions that do occur, the average length of sentences has increased. In 1984 the average length was just under two years, but by 2005 it had increased to just under seven years. It is worth ensuring that we send a signal, locally and nationally, that sexual assault and violence will not be tolerated in our society.

Topical Questions

T1. [182491] **Mr. David Evennett** (Bexleyheath and Crayford) (Con): If he will make a statement on his Department's responsibilities.

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): I have today issued a written ministerial statement on a new structure for the Ministry of Justice. The key changes will take place in the National Offender Management Service—NOMS—where Her Majesty's Prison Service and the probation system will be brought together under a streamlined headquarters and regional structure to improve the focus on front-line delivery in prisons and probation, and to improve efficiency.

Mr. Evennett: Last year, almost 61,000 prisoners were held in police cells throughout the country at a cost of almost £460 a night. Lord Carter's review recommends the extension of Operation Safeguard to help to relieve prison overcrowding. Can the Secretary of State confirm that the £28 million black hole will not be extended, that public money will not continue to be wasted, and that police officers will be able to police rather than becoming part-time prison officers?

Mr. Straw: On the latter point, that practice is paid for out of overtime, which is one of the reasons for the high cost, so there is no evidence that it is detracting from the availability of officers on the ground. The hon. Gentleman will know that crime has decreased consistently in his constituency. In the Metropolitan police area alone, an additional 3,500 officers have begun work during the past 10 years. As for police cells, we are working hard to ensure that there is sufficient supply to cope with demand so that we do not have to use them. Although I understand the concern, the last people entitled to complain about the situation are members of the Conservative party, which consistently used police cells to a much greater extent than we have ever done, or are likely to do. Under the Conservatives, this practice peaked with 3,500 cells being used in one particular month.

T2. [182492] **Mr. John Baron** (Billericay) (Con): Believing that prison sentencing should reflect the crime committed and not prison capacity, my constituents do not want incompetence from this Government when they plan prison expansion. In his statement to the House on the Carter prison review, the Secretary of State said that it would cost £1.2 billion to provide an additional 10,500 places by 2014. Why, then, when questioned by the Justice Committee, did he say that the cost would be nearly double that?

Mr. Straw: I have explained in some detail to the Select Committee, and, indeed, in a further letter to the Chair of the Committee, that the £1.2 billion related to the current comprehensive spending review period—I had thought that that was obvious to anybody—with some additional funding to cover the purchase of the land for the so-called titan prisons. No Government have ever been able to give precise estimates of expenditure for the following spending period. That is why the total cost, including some element for capital receipts—although that is open to a wide margin of error—is estimated to be £2.3 billion.

T4. [182494] **Ian Lucas** (Wrexham) (Lab): On the day when my right hon. Friend has made a further announcement about the creation of a regional structure in England, does he agree that it is high time to make progress on regional Select Committees in England, to hold regional Ministers and bodies to account?

Mr. Straw: As my hon. Friend will realise, that is a matter for my right hon. and learned Friend the Leader of the House. I know that extensive consultation is taking place on it. Let me make it clear that the changes in the structure that I have announced today will apply to the operation of the probation service and the Prison Service in Wales, too, for which I am also responsible. We propose that there should be a single regional manager for both prisons and probation in Wales.

T3. [182493] **Tom Brake** (Carshalton and Wallington) (LD): In the words of the Under-Secretary of State for Justice, the hon. Member for Lewisham, East (Bridget Prentice), Sutton magistrates court

"serves the community of Sutton...and it does so to a high standard."—[*Official Report*, 5 July 2006; Vol. 448, c. 277WH.]

With the clustering of courts now proceeding, and Sutton magistrates court losing staff to Croydon, making it more difficult to access files and pushing up overhead costs, will the Secretary of State reconfirm that there is no planned closure of the court?

Mr. Straw: As the hon. Gentleman knows, closure was considered under a proposal made in 2002. A final decision was made by my then hon. Friend Christopher Leslie, who was a Minister in the Department for Constitutional Affairs, and announced at the beginning of 2006. I am not aware of any plans for closure now. If there are any, I shall ensure that the hon. Gentleman is made fully aware of them quickly.

Nick Herbert (Arundel and South Downs) (Con): The Justice Secretary says that today's reorganisation of his Department will provide a sharper focus on reducing reoffending. Yet he also plans to bar voluntary groups from working with prisoners on Friday evenings. Is locking prisoners in overcrowded cells from Friday afternoons to Monday mornings what the Government mean by end-to-end offender management?

Mr. Straw: I hope that the hon. Gentleman will decide to welcome the changes, which build on those that have been in train for the past 10 years. They have brought prisons and probation closer together and ensured that we have a much more effective Prison Service. The issue is whether we are ensuring, through the Prison Service and the probation service, that as well as suffering proper punishment, more offenders are trained so that they do not reoffend when they leave prison. The record on that is clear. The changes to the week are the result of financial constraints, but the question for Conservative Members is whether they would increase spending on prisons, as well as the rest of public spending. [HON. MEMBERS: "You're in government."] We are in government, but they claim to be an alternative Government, and they need to put up or be quiet on the matter.

Nick Herbert: The right hon. Gentleman has just confirmed that he is locking up prisoners over weekends to cut spending. How can he justify wasting more than £1 billion of taxpayers' money on the National Offender Management Service – an organisation that he has, after only three years of its existence, effectively scrapped in all but name?

Mr. Straw: The hon. Gentleman had good notice of my statement, but he obviously has not read it. The claim that we are scrapping NOMS is the opposite of the truth. I know that he was hoping for that, and I am sorry to disappoint him. The money invested in NOMS has worked well to ensure that reoffending is decreasing. There is a much greater focus on education, leading to a dramatic increase in training prisoners, and drug rehabilitation funding has increased tenfold. For the first time since the war, a Government have presided over not an increase in crime but a major reduction in crime throughout the country.

T8. [182498] **Andrew Mackinlay** (Thurrock) (Lab): Can we have a review of the law relating to wills? How is it that all our wills will be disclosed and subject to public scrutiny, but those of the royal family are not? By what logic or fairness are the wills of the royal family covered up? What are the limits to the royal family? Presumably we are all ultimately members of the royal family, but I would like to know where the boundaries lie. There might be an exception for the Head of State, but not for all the others. It is time the system was modernised and democratised, and I expect this Labour Government to do something radical for a change. How about it?

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): I certainly am not a member of the royal family—indeed, under the current law I doubt whether I would ever be allowed to be one. And I am going to disappoint my hon. Friend further, by saying that there is a long-standing convention that allows the president of the family division to decide whether the wills of the royal family should be open for inspection. My hon. Friend may wish to take that up with the president of the family division, because unfortunately, we have no plans to change the law in that respect.

T5. [182495] **Bill Wiggin** (Leominster) (Con): On 16 January the Prime Minister said that the Bail Act 1976 was to be reviewed and that

"if any changes in the law are necessary, we will make them." [*Official Report*, 16 January 2008; Vol. 470, c. 925.]

However, in his speech to the Parole Board earlier this month, the Secretary of State said that there

"must be independent judicial decisions based on the law as it is".

Can the Secretary of State confirm that a review is taking place, and say whether there are any plans to change the law?

Mr. Straw: There is no inconsistency at all between what I said and what my right hon. Friend the Prime Minister said. The point that I was making to the Parole Board, which I shall repeat now, is that judicial decision makers, whether they be magistrates or judges, have an extraordinarily difficult job to do in predicting the future behaviour of offenders, on the best evidence available and in the context of a general presumption, from which I hope the Opposition do not resile, that people are innocent until they are found guilty. The Opposition may sometimes forget that, but it is rather fundamental to the operation of our law. What I am doing is looking in a measured way at whether we should take further steps to strengthen the law in that respect, particularly in the light of the Weddell case, and I am happy to take representations from all parts of the House on that.

T6. [182496] **Andrew Rosindell** (Romford) (Con): Can the Secretary of State for Justice explain why a patient in an NHS hospital has only £3 a day spent on their food, yet a criminal locked up in a police cell has £12 a day spent on food? Will the Secretary of State enlighten us as to why the figure is four times more for a criminal in a cell?

Mr. Straw: As ever, the hon. Gentleman, who comes from the same great county as I do, asks an important question. The issue is an interesting one, and I shall revert to him and the House on the matter.

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): Will the Secretary of State give the House an assurance that financial constraints will not mean a cut in education in prisons? Education plays a key role in ensuring that former prisoners do not reoffend.

The Minister of State, Ministry of Justice (Mr. David Hanson): I shall certainly try to give my hon. Friend that assurance, because education is crucial in both developing the skill levels of individuals in prison and preparing them for life outside prison. She will know that there are many good education schemes in prisons in London, which are designed to link prisoners with employers outside and to try to ensure that they have proper employment opportunities at the end, because employment is key to reducing reoffending.

T7. [182497] **John Barrett** (Edinburgh, West) (LD): Will the Secretary of State give an indication of the time scale in which he hopes to bring forward future developments in moving towards a fully elected House of Lords?

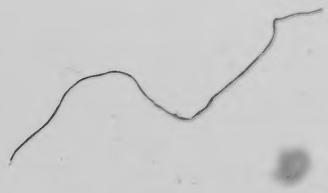
Mr. Straw: All-party talks are currently taking place, which I am pleased to say are proceeding pretty well, and a White Paper reflecting them will be published, I very much hope, before the summer.

Charles Hendry (Wealden) (Con): The Lord Chancellor may recall that when he was Leader of the House, I raised with him the issue of suicide websites and was grateful for the sympathetic response that he gave. I raised the issue following the suicide of a teenage constituent, where there was evidence that he had been influenced in taking his own life by so-called suicide websites, which actively encourage people to commit suicide. Following the terrible news about a dozen young people in Wales who had taken their own lives, where there may have been a link through the internet, it is encouraging to know that the Government are looking to take action. Will the Secretary of State tell us precisely what is proposed, and when we might expect such websites to be banned?

Mr. Straw: I applaud the hon. Gentleman for raising this terrible issue. Our hearts go out to the families of the children who have committed suicide in these circumstances. We are grateful to have his support, and we are actively looking at what we can do to control those websites. There are inherent difficulties, because many of them are based overseas, but we want to take action as quickly as we can. I have just been passed a note to say that the Law Commission, which has also been looking into the issue, has made recommendations that the Government are considering.

David Taylor (North-West Leicestershire) (Lab/Co-op): In the light of the Prison Governors Association's report, which excoriates the performance of private firms involved in the management of prisons, will the Minister encourage the involvement of in-house teams to run the three titan super-prisons planned for the years to come?

Mr. Hanson: My hon. Friend will know that we are examining in detail how to progress the concept and principles of titan prisons. He will also know that we are expecting shortly to produce a consultation paper outlining a number of issues, including location, management and the potential competition for the sites, either in the public or in the private sector. I hope to be able to make announcements, with my right hon. Friend the Lord Chancellor, on these matters shortly.



Business Statement

3.31 pm

The Leader of the House of Commons (Ms Harriet Harman): With permission, Mr. Speaker, I should like to make a short statement. The business for Thursday 31 January will now be:

Motion to approve the Fourth Report of the Committee of Standards and Privileges, Session 2007-08, on the conduct of Mr. Derek Conway (HC 280), followed by a topical debate on the Holocaust memorial day, followed by the remaining stages of the National Insurance Contributions Bill.

Mrs. Theresa May (Maidenhead) (Con): I am grateful to the Leader of the House for making this short statement about the altered business on Thursday. I note that we did not have a topical debate last week, when we had a debate on Members' pay. This week, this extra debate has been inserted, and it is not time-limited, as I understand it. Will the right hon. Lady set out her policy on when topical debates will and will not take place?

Ms Harman: The right hon. Lady will be aware that topical debates take place in Government time. I made the decision last week to give the House as much time as possible to discuss the important questions raised by the Senior Salaries Review Body report on Members' pay and allowances. I made the decision on that day. We made the decision on the business for this Thursday last week. The decision that the topic for the debate would be the Holocaust memorial day was made first thing on Monday. Thereafter, we received the report of the Committee on Standards and Privileges, and that will be the first order of business on Thursday. It will come before the topical debate, and we hope that the House will have ample opportunity to debate the Committee's report. When that debate ends, we will move on to the topical debate and then to the National Insurance Contributions Bill. We hope that the House will have the opportunity to do justice to all those issues.

Simon Hughes (North Southwark and Bermondsey) (LD): We welcome the statement, and we think that the Leader of the House is right to have the Committee on Standards and Privileges business on Thursday, when it can be debated without appearing to conflict with the matters that we have already determined should have priority today and tomorrow. I should, however, like to follow the question raised by the right hon. Member for Maidenhead (Mrs. May) by requesting that, in future, the assumption should be that there will be a topical debate unless there is agreement across the House that that should be changed.

Ms Harman: I remind the hon. Gentleman that topical debates take place in Government time, and that we will decide how to allocate that time. As he knows, the topical debate procedure is still in its early stages, and we shall review it in due course to see how it is working. This Thursday, the topical debate will take place after the House has had an opportunity to discuss the report of the Committee on Standards and Privileges.

Sir Nicholas Winterton (Macclesfield) (Con): On a point of clarification, will the Leader of the House explain whether the moment of interruption will be later than normal on Thursday because of the extra business that the Government and the House feel it is appropriate to deal with on that day? It is important that the amount of time available for debate in this House should not be limited. The national insurance contributions legislation is important, so will the moment of interruption be later to take account of the time spent on the earlier business?

Ms Harman: The hon. Gentleman will know that there will be four items of business, and the moment of interruption will be at the normal time. Obviously, depending on how the debates proceed during Thursday, and through discussions with the usual channels, we will try to ensure that the right time is available for each of the debates. We have done what people expect to be done in these circumstances: if a report about a Member is issued, the House must have an opportunity to debate and take any appropriate decision about it as early as possible. We did not want to scrap either the topical debate or consideration of the National Insurance Contributions Bill, which had already been tabled as the business for the day. We hope that we will have the opportunity fully to debate all those issues; otherwise, we shall just have to keep an eye on things as they proceed. There should be enough time to debate all those matters.

Employment Retention

3.36 pm

John Robertson (Glasgow, North-West) (Lab): I beg to move,

That leave be given to bring in a Bill to make provision for a statutory right to an employment retention assessment to determine entitlement to a period of rehabilitation leave for newly disabled people and people whose existing impairments change; and for connected purposes.

This is the third time in the last few years that I have raised this subject in a ten-minute Bill and I can say that there has been firm consensus across the House that support should be provided to ensure that someone who develops an impairment or becomes disabled can remain in work. The Government have acknowledged that if they are to meet their target for an 80 per cent. employment rate and the requirements of public service agreement 8, they cannot ignore this issue. 2008 sees the latest strand with the Department for Work and Pensions employability campaign.

Yesterday, four days into the job, the new Secretary of State for Work and Pensions outlined reform of the welfare system to move more people from benefits into employment. Today, three attempts into my campaign—and, I hesitate to say, having seen off two Secretaries of State—I find myself once again making the point that we need to focus on retention in order to prevent people from falling into the welfare system in the first place.

The widespread support I have always received for these Bills is testament to the fact that the matter is not confined to the margins of society. Every quarter, about 600,000 people become sick or develop an impairment as defined in the Disability Discrimination Act 2005 and within one year 13 per cent.—78,000 people—have left work. Out of those, about 25,000 people permanently leave employment each year due to illness or disability, never to return. That works out at more than a quarter of a million people since the Government came to power in 1997. That more than cancels out the creditable achievement of the Department for Work and Pensions in helping 200,000 disabled people into work over the last decade. As a result of this and other barriers, a disabled person is nearly five times more likely to be out of work and claiming benefits than a non-disabled person, and crucially, we know that once out of work, they are far less likely to return to employment.

Behind those statistics lie people's lives—lives that often become suddenly unrecognisable as they have to come to terms simultaneously with a permanent life-changing impairment while facing the prospect of losing their employment, their source of income and in some cases even their home.

Last week, I listened to a speech from an inspirational man, Roger Lewis, and I think that his story says more about this Bill than my contribution ever could. Just under four years ago, his sight deteriorated to a point where he felt unable to work either effectively or safely without support through workplace adjustments or special equipment. Roger's employer, a local government social services department, suggested that he go to the doctor and be signed off sick. Following his refusal to do so on the grounds that he was not unwell, he was sent home on full pay and told not to return.

Roger did not hear from his employers again until 12 months later, when they began a redeployment process to find him another position. Their only assistance was to provide him with a magnifying glass. A year later Roger, an employee for 20 years, had been given his notice and was left waiting by the phone, 10 minutes from redundancy. The call to prevent it came from his union only after the threat of a hearing at an employment tribunal forced his employers finally to change their approach. Subsequently, he was given three months away from work at one of the specialist colleges of the Royal National Institute of Blind People to train in using specialised computer software for visually impaired people. Only now has he been given the necessary support and equipment to enable him to do a job that he has always been capable of doing.

That process, which would have—and has—broken many others, was described by Roger as

"4 years of distress, depression, chaos and pressure, to demonstrate that despite being blind, I was still capable of doing my job."

His is by no means an isolated experience. The questions that must be asked are: why does this have to happen, and why do we let it happen?

Under the Disability Discrimination Act 2005, an employer may be required to make reasonable adjustments to meet the needs of a disabled employee to ensure equality in his or her treatment with that of a non-disabled employee. That may involve providing a period of leave for treatment and rehabilitation, and to enable the employee to learn new skills in order to return to work. The non-binding code of practice illustrates the way in which the law is intended to operate when that provision kicks in. It envisages two employees, both of whom are out of work for six months. One, who is absent owing to a broken leg, returns to work once it heals, but the other, absent owing to a long-term disability, is dismissed. In that scenario, the employer would have breached his or her duty to the disabled employee.

The Government's approach to the high unemployment rate among disabled people has been to increase awareness of the current law among employers. We welcome the employability campaign, but it misses a number of fundamental issues relating to the support that is needed to keep someone in work. Although the Disability Discrimination Act provisions are born from the principle and the arguments for employment retention, they remain inadequate when it comes to delivering it in practice.

As there is no prescribed system of assessment to determine entitlement to interventions, including a period of rehabilitation leave, there is considerable uncertainty for both employers and employees, accentuated by the number and the broad nature of the conditions attached to such interventions. As a consequence, employment retention policies are rarely granted. They are more often the grounds for legal dispute at a tribunal that takes place too late, when someone has already lost his job, or subjects that person to a tortuous process in order for him to keep it. Furthermore, the lack of a system of assessment means that the Disability Discrimination Act places the onus on the two parties to resolve the situation.

The importance of employment retention for a disabled person, for whom it is considerably more difficult to find work, is such that it is a free-standing justification per se. The Social Market Foundation estimates that

improving the employability of disabled people would be worth £13 billion to the economy, and analysis by Lloyds TSB has shown that the financial benefit of retaining a typical manager who becomes disabled, weighed against the costs of making him redundant and hiring a new member of staff, amounts to £9,000.

It is important to note that the current law does not actually secure equality of treatment for all disabled employees, because discrimination will occur only on the basis of an individual company's policy. Two people treated in exactly the same way by different employers will have entirely different entitlements.

The Bill's main pillar is to introduce an assessment to determine whether disabled persons can be supported in the workplace, for example through "access to work", or whether in more serious cases they need a period of leave, as Roger Lewis did for three months. That would secure far greater structure and certainty for both employers and employees. The Bill would also provide a much-needed vehicle to remedy the problems with the current provisions' link to discrimination, which I have raised.

I started by saying that there was broad consensus in the House on the need to ensure support for people who become disabled while in employment, and already 133 Members from nine parties have attached their names to a motion in support of my Bill. While Members' support is gratefully received, what is more pressing—and will, I hope, cause every Government member to get behind the Bill—is the fact that 25,000 people this year alone will, like Roger Lewis, be in need of these changes.

Question put and agreed to.

Bill ordered to be brought in by John Robertson, Jim Sheridan, Mr. David Blunkett, Miss Anne Begg, John Bercow, Paul Rowen, Mr. Mike Weir, Julie Morgan, Dr. Alasdair McDonnell, Dr. Richard Taylor, Ann McKechin and Mrs. Sharon Hodgson.

EMPLOYMENT RETENTION

John Robertson accordingly presented a Bill to make provision for a statutory right to an employment retention assessment to determine entitlement to a period of rehabilitation leave for newly disabled people and people whose existing impairments change; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 14 March, and to be printed [Bill 60].

Business of the House (Lisbon Treaty) (No.2)

Motion made, and Question put forthwith, pursuant to Order [28 January].

That the Order of 28th January be amended as follows: in the Table, in the entry for Allotted Day 1, in the third column

(a) for '4½ hours' substitute '3½ hours', and

(b) for '1½ hours' substitute '2½ hours'. *[Mr. Khan]*

Question agreed to.

Lisbon Treaty (No.1)

(1st Allotted Day)

[Relevant documents: The Third Report from the Home Affairs Committee, Session 2006-07, on Justice and Home Affairs Issues at European Union Level, HC 76, and the Government's response, First Special Report of Session 2006-07, HC 1021.]

Mr. Speaker: I inform the House that I have selected the amendment in the name of the right hon. Member for Richmond, Yorks (Mr. Hague).

3.47 pm

The Secretary of State for the Home Department (Jacqui Smith): I beg to move,

That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning the following matters: fighting cross-border crime; justice; policing; human trafficking; and asylum and migration policy.

The UK's co-operation with our European Union partners across a range of justice and home affairs issues stems, rightly, from the Maastricht treaty. From tackling organised crime to taking action against terrorism, and from providing greater protection of children to ensuring the security of our borders, this co-operation has been, and continues to be, driven by the real challenges we face today. Criminals organise and operate internationally, and we need to work closely with our European and international partners to tackle their activities. In particular, we need to ensure that the EU focuses on these issues, and truly and demonstrably adds value where that makes sense for Britain.

The Lisbon treaty provides the next step in the evolution of justice and home affairs co-operation. It allows us to work more effectively to improve public security and protection, to protect British citizens in their daily lives and to provide mechanisms to help our citizens and businesses living and working abroad. The issues that matter to our people—tackling crime, countering terrorism and securing our borders—are not merely issues of domestic concern. They are, rightly, at the heart of our work in the EU as well.

Mr. Dominic Grieve (Beaconsfield) (Con): I have listened carefully to the Home Secretary's opening words about the importance for the EU of moving this forward. If this is such a positive move, why have the Government had to negotiate so many opt-outs and opt-ins?

Jacqui Smith: I am coming precisely to the point about the success of the Government's negotiations in ensuring that, through the treaty provisions, we are able, in a much-enlarged EU, both to make progress on some of the issues that are of concern to us and to safeguard our national interests by delivering the opt-in. It was a negotiating triumph. Perhaps more important than the details of the negotiations or ongoing institutional wrangles is the way in which our active involvement in the EU is bringing results.

Mr. John Redwood (Wokingham) (Con): Why did the Home Secretary not just say that Great Britain wishes to keep in place the original architecture—outside the EU treaty and European Court of Justice jurisdiction—and to co-operate with other member states where appropriate, so that we preserve our veto and future Parliaments can change their mind if they wish? The problem with her system is that future Parliaments will be bound by any decision she makes.

Jacqui Smith: I made it absolutely clear that I felt—I shall outline this when I make some progress in my speech—that having the benefits of taking EU co-operation forward through the new treaty arrangements alongside the protection of UK interests negotiated through our opt-ins on a range of justice and home affairs areas was the right balance to deliver the sorts of results that we wanted.

Mr. William Cash (Stone) (Con) *rose—*

Jacqui Smith: I was going to discuss those sorts of results, but I see that I shall now take further interventions. I suspect that they will not be about how we cut crime, counter terrorism and protect our borders, and that they may well be about something else.

Mr. Cash: This certainly will be germane to the subject matter that we are discussing. I would like the Home Secretary to answer a simple question. A wide range of matters are contained in these provisions. Is she aware that in the other countries, particularly France and Germany, the judges are appointed by political decision-making processes in their own constitutional arrangements? In respect of the application of those provisions, such a process differs significantly from the way in which this country conducts its justice and home affairs.

Jacqui Smith: That is precisely why we were right to negotiate the opt-in on each justice and home affairs measure. I am not clear what point the hon. Gentleman is making.

I said that I would move on, so I shall do so. Our active involvement in the EU is bringing results. The European arrest warrant procedure has been one of the most high-profile justice and home affairs measures in recent years. It has allowed us to secure the return of those who seek to evade justice by crossing borders and in some cases it has helped to cut years off extradition times. That is a prime example—

Mr. Bernard Jenkin (North Essex) (Con) *rose—*

Jacqui Smith: I shall give way to the hon. Gentleman.

Mr. Jenkin: In 2006, the previous Prime Minister gave a very clear undertaking to the House of Commons. He said that he would ensure that the justice system

"is radically overhauled so that those"

—foreign nationals—

"who are convicted of a serious criminal offence are deported automatically."—[*Official Report*, 3 May 2006; Vol. 445, c. 961.]

Since then, the Chindamo case has taken place. Will the Lisbon treaty provide the British Government with the wherewithal to deport foreign criminals automatically, or will we still be subject to the provisions of the rights of the foreign criminal under European Community treaties, as set out in the UK Borders Act 2007?

Jacqui Smith: Generally, as we have announced recently, we have exceeded our target set last year to deport foreign national prisoners. We legislated in the UK Borders Act 2007 along the lines set out by the former Prime Minister on that occasion. The new provisions of the treaty and our active engagement in justice and home affairs activities enables us to raise issues within the EU, where they exist, and to make progress. I am confident that we will be able to do so.

Mr. Jenkin *rose*—

Mr. Grieve *rose*—

Jacqui Smith: I think I have answered the question put by the hon. Member for North Essex (Mr. Jenkin), so I shall give way to the hon. Member for Beaconsfield (Mr. Grieve).

Mr. Grieve: The Home Secretary touched on the European arrest warrant. That is a good example, because by virtue of what is happening, she will have to make a decision in the next four and a half years as to whether the European arrest warrant will be subject to the new regime by opting in, whereby the ECJ will have ultimate jurisdiction, along with the Commission's enforcement powers, in respect of it. That is very different from the current arrangement, which is an international treaty obligation that the United Kingdom could decide not to follow if it infringed the human rights of those affected. We will be surrendering the final say about that entirely to a supranational body.

Jacqui Smith: No. As the hon. Gentleman identified, on the whole body of police, criminal and judicial measures that are transferred, it is our decision—six months before that five-year period finishes—as to whether we want to continue in those measures, if they have not been renegotiated or repealed during that time. We will make that decision on the basis of whether continuing in those measures, with ECJ jurisdiction, is in the national interest. We have negotiated the ability to make that decision and we have negotiated that transitional period.

Keith Vaz (Leicester, East) (Lab): May I take the Home Secretary back to the substance of this debate, rather than the froth of the Eurosceptics that seems to happen every single day that we discuss this issue? This morning, Sir Stephen Lander, the chairman of the Serious Organised Crime Agency, gave evidence to the Home Affairs Committee, and he stated clearly how important European co-operation was in the fight against drugs and terrorism and in detecting serious crime. What further steps can we take to aid such co-operation between all the EU partners?

Jacqui Smith: My right hon. Friend is right, and in the body of my speech I will come on to precisely that point. I agree with him that that is the fundamental issue about which people are concerned, and not what he rightly describes as the froth. In the spirit of debate, I am taking interventions, although they have not been especially to do with the issues that my right hon. Friend has mentioned, which are likely to be of concern to people outside the Chamber.

Mr. Edward Davey (Kingston and Surbiton) (LD): Can the Home Secretary confirm that in the Lisbon treaty the UK has negotiated opt-ins and opt-outs on areas in justice and home affairs that previously required the full participation of the UK in EU law? Those areas were given away by the Conservatives under the Maastricht treaty, and under the Lisbon treaty they will revert to UK control.

Jacqui Smith: The hon. Gentleman has managed to rise above the froth and make an important point.

Mr. David Heathcoat-Amory (Wells) (Con): Why is the Home Secretary deliberately confusing the need for international co-operation in the war against terrorism and crime with the separate issue of whether we should hand over powers irrevocably to another law-making body? She has already seen the result of that in the promise by the Prime Minister to repatriate foreign nationals at the end of their sentence, which turned out to be incompatible with laws to which she had signed up in the European Union. If this House has already lost its powers to meet prime ministerial promises, why is she considering further laws to hand over more powers irrevocably to another jurisdiction?

Jacqui Smith: I began to explain the opportunities that the treaty will give us to work more effectively in an EU of 27 to deliver further protection on a range of issues. I had mentioned the European arrest warrant, and I was about to give the example of the case of Hussain Osman, one of those suspected of the attempted bombings of 21 July 2005. He fled to Italy, but we were able to secure his rapid return, 56 days after the EAW was issued. He has since been convicted of conspiracy to murder and sentenced to life imprisonment. Without the European arrest warrant, we would still have to face the fact that some member states refused to extradite their own nationals. Without it, extraditing criminals and terrorists from other member states would still be a lengthy, complex and expensive process.

Mr. Grieve: I am grateful to the Home Secretary for giving way again, in the spirit of Committee debates, but she is aware that the European arrest warrant is not without its difficulties. There are examples of United Kingdom citizens who have been arrested and sent to other European countries on allegations of relatively trivial offences who have languished in custody. There was a case in Spain recently of two young men who were accused of uttering a forged note in the Canary Islands. Such people can languish in prison for long periods. That ought to be of concern to the Home Secretary in defending the rights of British citizens. Does she not understand that, while acknowledging the merits of the European arrest warrant, once such things are subject to the European Court of Justice and the Commission, she and the Government will lose all control over standing up for United Kingdom interests in these areas? Once in place, such things are irrevocable, and all that the opt-ins do is delay that moment by a maximum of four and a half years. What will the Home Secretary do at the end of that period in respect of the European arrest warrant?

Jacqui Smith: I have already outlined what the position will be in four and a half years. I do not take the hon. Gentleman's charge that there are considerable problems with the European arrest warrant—I have identified considerable benefits of having negotiated it—but I am completely clear that, if we need to improve those procedures further, the way to do so in an EU of 27 members is through active engagement in justice and home affairs discussions and negotiations in the way that the treaty facilitates. Some of the views of Opposition Members would actively work against that by removing us from that sort of active involvement in making decisions that would benefit British people and improve protection across the whole EU.

Mr. John Gummer (Suffolk, Coastal) (Con): Does the right hon. Lady agree that, if we are to face the much greater problems that we now have with international terrorism, we cannot but do that in any way other than to work very closely and continuously with our neighbours—that needs a provision that goes beyond where we are now—and that co-operation in a general sense is not satisfactory when we face such a very present and important threat?

Jacqui Smith: I think that the right hon. Gentleman makes a very important point. Intergovernmental co-operation can only take us so far, and the commitment to the sort of institutional arrangements in the treaty will help us to address some of those problems.

Mr. David Winnick (Walsall, North) (Lab): Is it not absolutely inconceivable that we can combat the acute terrorist danger that European countries— certainly ours and our close allies as well—face without the closest co-operation on the international scene? It is absolutely amazing, unless it is pure xenophobia, that the Opposition do not recognise that.

Jacqui Smith: My hon. Friend makes the case extremely strongly. We have now heard that from my hon. Friends and from right hon. Gentlemen in the Opposition. To move on with the substance—

Mr. James Clappison (Hertsmere) (Con): Will the Home Secretary give way?

Jacqui Smith: No. I want to make some progress.

An example is the asylum arrangements agreed under the Dublin regulation, which is underpinned by the Eurodac fingerprint database and part of the common European asylum system agreed by member states to prevent asylum shopping. These arrangements allow the Border and Immigration Agency to check the fingerprints of asylum seekers against records in other European countries and to return those who have already lodged a claim in another member state or who have entered the UK illegally. Since 2003, the UK has returned more than 6,000 asylum seekers to other member states under that system—arrangements saving us about £8 million a year.

Ms Patricia Hewitt (Leicester, West) (Lab): My right hon. Friend is making an extremely important point about the impact of co-operation and opting in, for instance, to the asylum qualifications directive under earlier arrangements. Does she agree that, contrary to the argument that we have heard being put by Opposition Members, it is precisely our ability to opt in to arrangements that are legally binding on every member state that gives us the forceful action that is needed in the European Union to deal with problems such as illegal immigration?

Jacqui Smith: My right hon. Friend is absolutely right about the increased strength over and above simply an intergovernmental process of co-operation that comes from the treaty provisions on justice and home affairs. Coupled with strong domestic enforcement action on immigration and crime, action at EU level can clearly work in Britain's interest.

Mr. Clappison: Will the Home Secretary give way?

Jacqui Smith: No. I shall make a bit of progress first.

On the fight against drugs, we have joined other EU partners in establishing the Maritime Analysis and Operations Centre—Narcotics in order better to tackle bulk smuggling of cocaine across the Atlantic. By sharing intelligence with our partners and backing it up operationally, we increase opportunities for intercepting drugs and help to cut the supply of drugs before they reach our streets. We also benefit from international work against the vile crime of human trafficking.

Mr. Grieve: Will the Home Secretary give way?

Jacqui Smith: In a moment.

During our last presidency of the EU, we introduced the EU action plan against trafficking. Along with our action to ratify the Council of Europe convention on action against trafficking by the end of this year, the action plan will strengthen our hand in the fight against that horrific modern-day form of slavery and make life harder for traffickers in the UK and throughout the EU.

Mr. Clappison: The Home Secretary is being generous in giving way. May I take her back to the opt-in and its value? Will she take the House through the procedures that will follow under the protocol if the United Kingdom should choose not to opt in to existing measures after four years and six months, or to anything that comes about as a result of amendments in the meantime? What procedure will be followed, and what penalties will the United Kingdom face if it chooses not to opt in?

Jacqui Smith: The process is spelled out reasonably clearly, but I do not intend to go through it in detail now. It is straightforward and safeguards the UK's ability to opt in. I take exception to the hon. Gentleman's suggestion that there are penalties for not opting in. That is not the case.

Mr. Clappison: Perhaps the Home Secretary can tell us what description she would choose to apply to an article that states

"the United Kingdom shall bear the direct financial consequences, if any, necessarily and unavoidably incurred as a result of the cessation of its participation in those acts."

That is compensation, is it not?

Jacqui Smith: The hon. Gentleman is referring to circumstances in which the UK decides not to opt in to a measure that amends or builds on another. He is quoting selectively, of course—

Mr. Clappison: It is in the treaty.

Jacqui Smith: Just let me finish. The hon. Gentleman quotes selectively, because the first stage of that process would be a situation in which the UK's decision not to opt in to a measure rendered the underlying measure inoperable. That is an extremely high hurdle. The provision refers to unavoidable, directly incurred financial consequences of the underlying measure being rendered inoperable, not to a penalty or a fine. For example, if the UK decided not to opt in to a database that then became inoperable, it is not unreasonable that the cost of withdrawing from that database might have to be met. That is not a fine or a penalty; it is a direct financial consequence, and it would be incurred only in circumstances where the underlying measure was completely inoperable; that is a very high hurdle.

Mr. Grieve: If the threshold at which the penalty system operates is so high, why could the Government not secure the same sort of exemptions as the Danish Government, which allowed them to maintain the status quo for as long as they wanted and which were latched into the system? When I read the treaty, I inferred that because of the United Kingdom's key involvement in European decision making on justice and on crime and its suppression, it would be difficult to implement many of the measures and might well cause problems if we did not participate. I am afraid that I do not share the optimistic view that only in rare cases will we have to bear the financial costs.

Jacqui Smith: The hon. Gentleman might not share my optimism, but he is wrong about the basis of the negotiation and the basis of the direct financial consequences to which he referred.

I shall make a little progress on substantive issues. At the same time as negotiating on the issues that I described, I have been discussing with my counterparts such matters as how the EU can ensure the protection of our children. The JHA Council agreed some years ago that all member states should have in place basic criminal offences to ensure the prosecution of those seeking to exploit or abuse children. That, incidentally, is a good example of where the strength of an EU agreement far outweighs anything that could be delivered simply through intergovernmental co-operation.

The JHA Council also agreed measures to improve the way in which we receive information on convictions against those who have committed such offences within the EU. The UK is taking that work forward through a joint project with several other countries on the electronic exchange of criminal records information.

In tackling child abuse, the UK and other member states have been able to count on the work of Eurojust and Europol, including the successful co-ordination of an operation involving 28 countries to crack an online child sexual abuse case. Ongoing investigation and co-operation of member states through Europol led to significant arrests, including 46 in the UK, the identification of 2,500 "customers" worldwide, and the seizure of thousands of computers, videos and photographs.

Keith Vaz: I am grateful to the Home Secretary for giving way a second time. On data sharing, is she satisfied that the necessary protections exist among our partner countries, so that data that we send them will be protected and data that come to us will also be protected? That is extremely sensitive and important information about individual people.

Jacqui Smith: I know that that is an issue that my right hon. Friend's Select Committee, the Home Affairs Committee, raised in its consideration of the matter. Further to the response that we gave at that time, progress is being made on the data protection framework directive within the EU, which will provide some of the reassurances that my right hon. Friend and the Committee were looking for.

Mr. Gummer: What assurances has the Home Secretary given to our European partners that their data will be better protected than she has managed with respect to the protection of our data?

Jacqui Smith: The right hon. Gentleman was too helpful last time. I should have quit while I was ahead.

Looking to the future, there is more that can be done at EU level to strengthen the efforts that I have identified, particularly in relation to child protection. At the informal JHA Council last week, the UK presented a paper which argued for further co-operation to introduce mechanisms to monitor sex offenders across Europe, and to tackle the obscene and harmful child abuse content that can be found on the internet.

Mr. Davey: Can the Home Secretary give the House an assurance that the UK will exercise its opt-in to co-operate with other European member states in this area? Surely it is much better to get stronger protection for our children through the approach that she is outlining than through an intergovernmental approach.

Jacqui Smith: What I was outlining to the hon. Gentleman was not whether we would take a decision on a measure that was being proposed to us, but that the UK was in a position to lead that work across Europe. What we need to ask ourselves is how we can ensure that other countries across Europe that may not have child protection provisions as well developed as ours will also be subject to the provisions that we put in place. Only by developing the sort of work that the treaty sets out and the certainty that that provides can we be confident that when we reach agreement on such serious issues, that agreement will exist across the whole of the EU.

Mr. Grieve: I am extremely grateful to the Home Secretary for giving way; it may just help to tease out one of the key issues. I have no objection to the United Kingdom getting involved, as was debated a moment ago, in that particular area. However, does she not see a distinction between getting involved under the existing provision—a mere international treaty obligation—and getting involved under the opt-in provisions that, once the treaty is in force, place the obligations and their enforceability into the hands of the European Court of Justice and the Commission?

[Mr. Grieve]

I would just like a view from the Home Secretary on whether she sees any difference between the two mechanisms. The issue may well be where the real difference between us lies; I suggest to her that there is an enormous difference between the two concepts in respect of the maintenance of national rights and sovereignty over those issues.

Jacqui Smith: ECJ jurisdiction already applies to the existing provisions on migration and asylum, for which we are already able to operate our opt-in. Some of the examples that I have already given have answered the hon. Gentleman's charge. In fact, as I have identified, the way in which we will take forward the treaty, with the safeguards that we have put in it, is likely to enable us to make progress across the whole EU.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): What slightly troubles me is that at the moment we envisage circumstances in which, for example, other countries are forced to do things in respect of child protection that we think right and proper; we think that that would be a good thing. However, can the Home Secretary not envisage circumstances in which we would be forced by qualified majority voting to do things that we would not think appropriate if we had decided on our own what should amount to a criminal offence and what should not? What could we do about that?

Jacqui Smith: The nature of the opt-in that we have negotiated means that we could decide not to opt in to such provisions. That is the strength of our negotiating position—our final position—on justice and home affairs.

Bob Spink (Castle Point) (Con) *rose—*

Rob Marris (Wolverhampton, South-West) (Lab) *rose—*

Jeremy Wright (Rugby and Kenilworth) (Con) *rose—*

Jacqui Smith: I will make a little more progress. The sharing of information that I was talking about is not only relevant for child protection; JHA co-operation has given us access to crucial data-sharing arrangements to tackle terrorism and serious crime—for example, introducing a mechanism that will allow the police to access fingerprint, DNA and vehicle registration information held by other member states so that we can prevent, detect and investigate serious crimes in the UK.

Today I have set out the benefits to the UK that come from better co-operation across the EU: speeding up extradition, strengthening our borders and improving asylum arrangements; smarter ways of working to stop drug smugglers; joint action against human trafficking; new protections for children; and new ways to share information vital to our efforts to tackle terrorism and serious crime.

Bob Spink: Will the Home Secretary give way?

Jacqui Smith: I will allow the voice of the Better Off Out group to speak.

Bob Spink: The Home Secretary is very generous. Will she explain why it would be in the UK's interests, for instance, to give the EU powers to set minimum and maximum prison sentences? How can that be in our interests?

Jacqui Smith: Previously, the very fact that certain criminal offences can be recognised throughout the EU has been important. Let us take the issue of recognising the definition and the nature of terrorism: when that agreement was reached, only seven of the 15 countries had a definition of terrorism. It is obviously a good thing for us and our security across the EU to be able to ensure that there is a common definition of terrorism.

Rob Marris: May I ask my right hon. Friend to shift the focus slightly—although perhaps not now—and deal also with civil justice, which comes under the justice rubric of today's debate? Civil justice offers protections, through co-operation, for families with abducted children, consumers—with the proposals for a European small claims court—and, above all, for business, which sometimes has great difficulty in taking effective legal proceedings against parties in other member states because of the lack of co-operation between the judicial authorities. Surely there are other benefits in the civil justice system which we should not overlook.

Jacqui Smith: My hon. Friend is absolutely right. I will get to that point, but he has made it eloquently.

Several hon. Members *rose—*

Jacqui Smith: I might not get to it.

Mr. Peter Bone (Wellingborough) (Con): On human trafficking, how will this new treaty improve the current situation in dealing with co-operation not only between European Union countries but countries outside the EU?

Jacqui Smith: Article 69B of the Lisbon treaty defines trafficking in human beings and sexual exploitation of women and children as a "particularly serious crime with a cross-border dimension". As such, measures can be adopted to establish minimum rules on criminal offences and sanctions. Those measures would of course be subject to the UK opt-in and the emergency brake, but in my view they would help us to ensure that the seriousness with which we address human trafficking in this country is shared across the whole of the EU. This is a good example, I am afraid, of a crime that would not be as well addressed were the hon. Gentleman's view that we would be better off out of Europe to be the case. There is no way that we can tackle cross-border crime such as human trafficking by reverting to our borders and believing that we can address it most effectively in the domestic environment.

Mr. Bone: Human trafficking is a European problem and a world problem, not an EU problem, and we should co-operate with all the countries involved. The Home Secretary failed to give one single concrete reason why the new treaty would improve the situation and reduce human trafficking, other than quoting some words from the treaty. If we are talking about words, can she tell me what concrete reduction in human trafficking this treaty will bring?

Jacqui Smith: Earlier—perhaps the hon. Gentleman missed it—I referred to the fact that we were able to negotiate, under the UK's presidency, an EU action plan on trafficking that enables us to put in place not just good practice but shared standards on how we could safeguard victims and be clear about offences; of course, implementing it is important as well. If the hon. Gentleman reads *Hansard*, he will see that I gave a specific and detailed answer to his previous question.

To deliver on these issues of concern and to give our citizens the right levels of protection, we clearly need to engage actively in tackling crime and immigration at the EU level. The alternative promulgated by some Conservative Members—to disengage from Europe, to focus on the domestic, and to depend on ad hoc intergovernmental arrangements—is not only unrealistic but an ineffective and inadequate response to the challenges that we face.

Ms Sally Keeble (Northampton, North) (Lab): To return to the point about trafficking brought up by my neighbour, the hon. Member for Wellingborough (Mr. Bone), several women and children in my own constituency, just up the road, have come in with every sign of having been trafficked from countries well outside the EU but with EU passports. Part of the traffickers' supply train runs through Europe, and without the powers in this legislation it will not be possible to chase them up and deal with them properly.

Jacqui Smith: My hon. Friend makes an important point about the route through which women are often trafficked, and she is absolutely right.

In negotiating the justice and home affairs chapter, the Government made clear their absolute determination to protect our common law system and police and judicial processes. We were clear that EU co-operation in this area should not affect fundamental aspects of our criminal justice system. We have achieved that outcome. The extended opt-in arrangements that we have secured mean that we have a complete choice as to whether to participate in any JHA measure. We have also ensured that the jurisdiction of the ECJ cannot be imposed on the UK in this area—it will apply only to the extent that we have chosen to participate in a JHA measure. As each proposal for new EU legislation on JHA comes forward, we will have the right to decide whether we participate in it. In many cases, given the importance of the issues in question, some of which we have touched on today, it will clearly be in the UK's interests to do so, but in others we have secured the right not to participate and not to have the resulting legislation apply to the UK. I have already explained the position with respect to the existing body of EU law on police and criminal judicial co-operation and the jurisdiction of the ECJ. The deal is significantly better than that under the defunct constitutional treaty and represents a huge negotiating success.

Jeremy Wright: On the specific issue of whether this is a negotiating success, may I refer the Home Secretary back to the point made by my hon. Friend the Member for Hertsmere (Mr. Clappison), from which she was very keen to move on? Is not the fact of the matter that the Government have negotiated a situation that allows the UK to withdraw from some of the arrangements, but only at a price? That price will be determined by a qualified majority vote on the recommendation of the Commission—a decision in which the UK will not be involved.

Jacqui Smith: No. In fact, I replied to the hon. Member for Hertsmere (Mr. Clappison) at some length, and I outlined the circumstances in which there would be any direct financial outcomes. First, in order for such a matter even to be under consideration, the UK's decision not to opt in to an amending or building measure would have to render inoperable the measure to which it was an amendment. That is a pretty high threshold. Secondly, the only costs for which the UK could possibly be liable would be direct financial consequences that were unavoidable because of the impact of that decision. As I have now said that twice, I do not intend to go over it again.

Mr. Redwood: Will the Home Secretary tell us how she would have felt if the previous outgoing Conservative Government had passed a series of laws that Labour did not like and had locked them all in by means of an opt-in so that they could not be repealed without the consent of most of the other member states? Is that a democratic way of proceeding?

Jacqui Smith: I would have hoped that any Government had negotiated hard in Britain's interest. I would have hoped to see negotiating success such as that which we have seen in this case, although I am not sure that that Conservative Government would have achieved it. I also would have expected lengthy and detailed scrutiny of the proposals, along the same lines as that which we are carrying out and that will take place over the coming days. That is what the Government are delivering.

Mr. Edward Garnier (Harborough) (Con): Will the Minister give way?

Jacqui Smith: I will—those on the Opposition Front Bench are making free despite their ability to make speeches later.

Mr. Garnier: I am deeply grateful to the Home Secretary for allowing me to intervene. There is not a great deal of time for us to make speeches because the debate is limited to three and a half hours. Will she estimate the financial consequences to which the UK might be exposed through the limited financial repercussions that she mentioned a moment ago? She seems to be saying that that will not happen, but presumably she has some idea of how many billions or millions—or just hundreds—that that exposure might involve.

Jacqui Smith: As I have spent some time explaining, the chances that any direct financial consequences would arise are very slim, given the high threshold that would have to be reached before any consideration of the matter could take place.

Based on the foundation that I have spelled out, we can continue to work with our European partners to our mutual benefit. That does not always require changes to the UK, which is what Conservative Members often focus on. For example, I have already talked about our success in agreeing a common set of terrorist offences in 2002.

We benefited from the work at EU level to strengthen external borders. Even though we do not participate in the Schengen border arrangements that

[Jacqui Smith]

apply in most member states and have explicitly reserved our right to maintain our frontier controls, we have benefited from those efforts. Most transit routes to the UK for illegal migration and people trafficking, as my hon. Friend the Member for Northampton, North (Ms Keeble) mentioned, lie through the territory of EU member states. By working with bodies such as the border agency Frontex, we can help to reduce the flow of migrants in transit to the UK.

As well as protecting our citizens, JHA co-operation can provide the means to help them live, work, buy, sell, study and do business in another European country with the same levels of protection and assurance as they have in their own. Instruments that make it easier to undertake cross-border litigation are necessary because such cases can be substantially more expensive than purely domestic litigation. My hon. Friend the Member for Wolverhampton, South-West (Rob Marris) was right to point out that a European small claims court procedure will apply within a year which could, for example, help holidaymakers to obtain redress if they have bought faulty goods in another country. In addition, businesses will have a range of options for obtaining judgments against those in other member states who owe them money.

We have always been adamant that EU co-operation must be in Britain's national interest. It must not—and it will not—adversely affect fundamental aspects of our justice system, nor undermine our ability to safeguard national security. Equally, we have seen the clear benefits that co-operation can bring to public protection, the management of our borders and the delivery of justice. Our opt-in on justice and home affairs will allow us to continue to participate in measures where that makes sense for Britain, while safeguarding our national interests at the same time.

We face a clear choice. Agreeing the Lisbon treaty allows us to put institutional negotiations behind us, and to get on with the job of work that our citizens expect us to do. We can choose to work in Britain's interests and deliver greater protections in the fight against crime and for our national borders—or, as we have seen this afternoon from Opposition Members, we can devote ourselves to ongoing institutional wrangling that in actual fact works only in the interests of those whose ultimate goal would be to withdraw Britain from the EU entirely.

Our citizens are safer and our country is more secure as a result of our active involvement in the EU, and I commend this motion to the House.

4.32 pm

Mr. Dominic Grieve (Beaconsfield) (Con): I beg to move amendment (a), to leave out from "House" to end, and to add instead thereof:

"disapproves of the Government's policy towards the Treaty of Lisbon in respect of provisions concerning fighting cross-border crime, justice, policing, human trafficking and asylum and migration policy because the Treaty weakens the UK's ability to determine its own policy in these important fields, would bring to an end the intergovernmental nature of EU co-operation over policing and criminal justice, abolishes the safeguard of the national veto in almost all remaining areas in justice and home affairs matters and creates the possibility that the UK could be fined for refusing to participate in certain legislation in these areas; and notes that the European Scrutiny Committee, in its Third Report of Session 2007-08, HC 16-iii, paragraph 75, is "concerned that the interpretation of the red line to "protect UK civil and criminal justice" as only requiring control of the decision to opt in or not does not recognise the loss of protection that will occur every time jurisdiction is transferred from UK courts to jurisdiction by the European Court of Justice and the Commission."'.

I was truly sorry to hear the manner in which the Home Secretary approached the debate. We have rather important topics to discuss, but her facility for avoiding some of the basic facts that the House needs to consider is breathtaking, and it is coupled with the completely inadequate amount of time that has been made available for us properly to scrutinise the Bill.

The Home Secretary told us that the treaty was a negotiating triumph. I can think of many ways to describe the treaty but, by referring back to what the Government said about some of the clauses that they have now accepted, I shall try to show that it is a little difficult to see it as a triumph when it contains so much that the Government so vociferously objected to previously. The Home Secretary has a facility—it might be a good thing in a politician—for glossing over some of the unpleasant fundamental facts about the treaty, its nature and the future of the EU.

A moment ago, the right hon. Member for Leicester, East (Keith Vaz) described me as a Eurosceptic. That is a little difficult: I am half French, and not normally sceptical about half of myself. I must tell the Home Secretary that I am beginning to think that I shall have to apply for a French passport to escape her identity card provisions. That might be my only recourse.

Keith Vaz: Will the hon. Gentleman give way?

Mr. Grieve: In a moment. I can tell the Home Secretary that I believe fully in co-operation between European states and that I have no difficulty at all with the concept of intergovernmental co-operation. However, the first question that the right hon. Lady should have asked is, "What is the treaty actually about for those member states that intend to participate in it fully?"

There can be only one answer to that question. The treaty sets up the architecture to deliver common norms of criminal justice and policing through the harmonisation of criminal justice laws and the recognition of judicial and extrajudicial decisions. That is as fundamental a change in the EU's nature as there has been since its foundation. Our European partners have taken a decision—and they are fully entitled to do so if they wish—that must inevitably lead over a prolonged period, through the operation of qualified majority voting, and the work of the Commission and the European Court of Justice, towards harmonisation. In 30 or 40 years' time, there will be common systems of justice controlled from outside nation states in order to ensure conformity. That is the model they have chosen to adopt, and they make no secret of it. The Home Secretary looks glum; I am sorry that she cannot accept the reality. That is what they have chosen to do, and the UK Government have said repeatedly that they want it to happen—certainly in terms of our own involvement.

Mr. Heathcoat-Amory: My hon. Friend makes the important point that the Government did not want these provisions. I have a list of the 40 amendments tabled by the Government representative at the Convention on the Future of Europe, the right hon. Member for Neath (Mr. Hain), of which only two succeeded: one of them deleted "safety" and inserted "security". If that is a negotiating triumph, does my hon. Friend wonder what a failure might have been like?

Mr. Grieve: My right hon. Friend makes a good point. The fact is that the Government lost out in the negotiating process and did not achieve their aims. Perhaps they were in a difficult position. Somewhere in the Departments, somebody is advising the Home Secretary, correctly, that the developments in criminal justice that the European Union wish to pursue do not sit easily with notions of national independence, which in this country are underpinned by the rule of law and our common law principles. There is no escaping that; it is part of our national tradition. The same applies to Scotland, which also has a common law and Roman-Dutch law tradition mix. Such a system does not fit neatly with a Napoleonic model, which much of the parts of the treaty that deal with judicial and criminal matters are all about.

Tony Baldry (Banbury) (Con): Following the point made by my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory), whether one is Euro-positive or Eurosceptic, the intellectually disingenuous part of the Government's position is that they broadly welcome the Lisbon treaty, but whenever they are challenged about something nasty in it, they say, "Don't worry, there is a red line." Intellectually, one cannot have it both ways. We heard very little from the Home Secretary about the so-called red lines. Does my hon. Friend have any confidence that the red lines—if they are necessary, as the Government say they are—will hold?

Mr. Grieve: I have serious doubts about the red lines, and I shall come back to them in a moment, but my hon. Friend makes another important point. The Home Secretary spent most of her time saying that the red lines would provide protection, but the rest of her speech dealt with how international co-operation facilitated by the EU had benefited this country. I have no reason to disagree with that in some cases, although I might in relation to some examples. What she was not prepared to debate was the text of the treaty. It is the treaty that we are signing. We might have opt-ins, but it is the treaty to which we wish to become a party, and it envisages a major and profound change, taking the European Union from being an economic grouping with common interests in social policy areas to one with a single justice system. That must be where we are going.

Mr. Cash: In relation to Denmark, and the Home Secretary's claim that there was some sort of negotiating triumph, the Danish position has been preserved in the words of one of the protocols. Judicial co-operation will continue to apply to Denmark, unchanged in its present form, even if subsequently amended or replaced under the reform treaty. We did not, therefore, even do as well as Denmark.

Mr. Grieve: My hon. Friend is right. I tried to intervene on the Home Secretary to ask her about that. The European Union could not afford to give the United Kingdom the opt-outs that it gave Denmark because of the difficulties arising from our participation in several key areas. The Home Secretary simply did not reply to that point—I do not know whether she will do so during the debate. However, it is a material issue for the House to consider.

Bob Spink: Perhaps my hon. Friend can set out the nine important aspects of home affairs and justice that the treaty will abolish and that this country is effectively surrendering to the EU, and the impact of that surrender on our control of home affairs in this country?

Mr. Grieve: I fear that I might disappoint my hon. Friend because it is a three-and-a-half-hour debate and I cannot do what he asks unless I prevent all my hon. Friends and all other hon. Members from contributing. I intended to use some examples to cover my points, albeit not comprehensively, but we have been denied the opportunity to debate individual amendments.

Mr. Gummer: Does my hon. Friend accept that the House could do itself more justice if the Government allocated suitable time for the issues to be debated properly? Those of us who support the treaty of Lisbon could then explain the basis of our support. The Government have refused all of us the right to debate the issues.

Mr. Grieve: I agree with my right hon. Friend. My experience of the Chamber is that, if one bothers to come in and listen to the debate, one learns a great deal, especially from other people's points of view. What really gets me is that we are reduced to soundbites over a short period instead of being allowed to consider measures properly. That is one thing that will ultimately do the Government in. It is a shameful state of affairs, which means that Bills are passed without our fully understanding the Government's position, and the Government do not listen to their critics' comments, which might enable measures to be improved.

Mr. Jenkin: Learco Chindamo committed the notorious murder of headmaster Philip Lawrence and the Government spent a considerable amount of money on trying to extradite him to his home country. They failed because of the provisions on free movement of persons. Is not it a failure of their negotiation that we still cannot, under the treaty of Lisbon, automatically extradite the foreign criminals whom the Prime Minister promised we could extradite?

Mr. Grieve: The Government were foolish to sign up to the relevant directive without scrutinising it properly—another thing in which, I fear, the House rather specialises.

Mr. Redwood: Will my hon. Friend confirm that, every time the Government opt in to an area of competence under the treaty, the House can no longer reach a free and independent view and repeal and amend it and it cannot be debated sensibly in a general election? The people, as well as Parliament, have lost their power.

Mr. Grieve: My right hon. Friend is right and I shall deal with that point towards the end of remarks.

Let me consider, not thoroughly because I do not have the time, examples of the Lisbon treaty's not matching up to what the Government claim or the Government's opinion of it when the text was being negotiated in the past few years. Let me begin with article 61. The Home Secretary issued a parliamentary Labour party briefing today, which states:

"The European Court of Justice will have jurisdiction across all Justice & Home Affairs – except for some aspects of police co-operation and Member State action concerning law and order and internal security."

Indeed, the Government have argued that internal security must remain a national issue, yet article 61 specifically provides:

"A standing committee shall be set up to ensure that Operational cooperation on internal security is promoted and strengthened within the Union."

The status of that committee and whether it is the embryo of a far more bureaucratic model for ensuring conformity in nation states remain entirely unclear. There is a generic power under article 61G for the Council to "ensure administrative cooperation" between national police and criminal justice systems, which will arguably allow the Commission to gain access to sensitive national information.

During the negotiations, the Government criticised the article and said that they considered it to be unacceptable and unnecessary and sought to get it deleted, but failed to do so.

Mr. Ken Purchase (Wolverhampton, North-East) (Lab/Co-op): A good negotiating stance.

Mr. Grieve: The hon. Gentleman may say that, and I could forgive the Government if there were just one or two isolated examples. However, one can go through the text of the treaty and find one example after another of where the Government said that they thought the text was unnecessary and dangerous from the United Kingdom's point of view, but then accepted it.

Mr. Purchase: That is absolutely correct. If the hon. Gentleman had ever been in negotiations, he would understand that one takes a "give some, take some" approach. What our Government set out to do in that negotiation was to achieve their red lines, and that is what they have done.

Mr. Grieve: What happened in the negotiations calls for some explanation from the Government, but we have not yet heard a word of explanation from the Home Secretary.

It is argued that co-ordinating immigration policy might have benefits. I fully acknowledge that, but let us consider just one thing: the rights of third country nationals, including those who might have irregular status or be having their status regularised, to move around the EU at will. The Government said that they considered the retention of a national immigration policy to be essential. That was rather strong language, but they clearly no longer consider that essential, because they have allowed the provisions to which they objected to go through.

The hon. Member for Wolverhampton, South-West (Rob Marris) commented, quite rightly, on civil justice. The Government were seriously concerned about a clause in article 65 on civil justice and the maintenance of judicial independence. If I may say so to the Home Secretary, that does not seem to be a slight matter. The Government's concerns concentrated on the fact that, in a rather innocuous form, article 65 said that it would provide

"support for the training of the judiciary and judicial staff."

The Government were not against that; indeed, one can see that it might be quite useful in some European countries, particularly some of the new accession members. The Government wanted the inclusion of an easy little phrase that would recognise the need to maintain judicial independence, but the European Union negotiators – the other participants – denied them that amendment.

What is the Home Secretary's view about that? Does she consider it irrelevant? I should like to give her an opportunity to intervene, if she wants to. I do not think that the independence of the judiciary is an irrelevant consideration, so I hope that we shall hear from the Government at some point in this debate about that important point.

There are other examples to which one can turn, particularly in the field of crime and justice. Crime and justice, despite the Home Secretary's trying gently to avoid the point, have never been subject to any of the European Union architecture, until now. There is bilateral co-operation under the aegis of the European Union, but there is no enforceability in respect of the agreements that we reach. That is to change, particularly if the Government choose to opt in.

What are we to make of article 69A, which provides, for example, that there may be provision for the EU to take powers to deal with

"the rights of individuals in criminal procedure"?

I simply say this to all my hon. Friends – to those who may be in favour of the treaty or those who may be against it: the House is entitled to an explanation of why that provision is included, what the Government think about it and whether, leaving aside the opt-in for one moment, they think that there is any risk of intrusive activity by the Commission and the European Court of Justice in criminal procedure, which is an area in which they have consistently said that they ought not to be involved? Indeed, the Government said:

"Paragraph 2 is unacceptable in its current form. In particular, the intent on the 'definition of the rights of individuals in criminal procedure' would cover almost any aspect of criminal procedure during an investigation, prosecution and conviction. It is essential that this article is restricted in scope and is made subject to unanimity."

In terms of the generality of the treaty, however, they have secured nothing of the kind.

Rob Marris: Does not article 82 on page 70 of the consolidated text document, of which the hon. Gentleman will no doubt have a copy, state:

"Adoption of the minimum rules referred to in this paragraph shall not prevent Member States from maintaining or introducing a higher level of protection for individuals"?

Mr. Grieve: That might be the case, but the Government's position has consistently been that the European Union should not intervene in criminal procedure. I shall make

a few more comments about this in a moment, but I say to the Home Secretary that the potential undermining of the criminal justice system through the mechanisms of the treaty is without doubt the most serious aspect of the treaty in its entirety. It has nothing whatever to do with the legitimate aims of the European Union.

Mr. Denis MacShane (Rotherham) (Lab): Is not the most important part of any criminal procedure its very beginning, when a person is arrested? Is the hon. Gentleman really saying that he is going to revert to the old Tory position of hostility to the European arrest warrant?

Mr. Grieve: I shall come on to the European arrest warrant later. The right hon. Gentleman sometimes leaps up like a jack-in-the-box, but I have a funny feeling that he might not have been in the Chamber during the Home Secretary's opening speech; otherwise, he would have heard the exchanges on this issue. I recommend that he read them in *Hansard*, but I will come back to this matter later.

Mr. Kenneth Clarke (Rushcliffe) (Con): Does my hon. Friend accept that, if we are to have mutual enforcement of criminal rules between the 27 member states, it is legitimate to have minimum standards of protection for individuals in all our criminal procedures, particularly as the treaty makes it clear that, if we wish, we can impose higher standards in our procedures—as we choose to do—to protect individuals in our criminal process? Is there really anything wrong with that? Are we to help to facilitate criminal processes in other countries if they are not respecting the minimum standards that the 27 member states expect to be followed?

Mr. Grieve: My right hon. and learned Friend must consider the extent to which this might be an opportunity for rules to be made and imposed on our criminal procedures from outside. This raises difficult issues. As I said earlier, I do not object to the concept of international co-operation and treaty-making in order to achieve desired goals. I suggest, however, that there is a difference between a treaty reached under the aegis of the EU under third pillar structures—which seems to have been working well, and the Home Secretary told us all about the good things that have come from it—and a system in which we accept, once we have opted in, that areas of criminal justice policy and any amendments made to them will, for ever thereafter, be subject to the control of the Commission and the European Court of Justice. I do not think that that is a slight matter.

I have to say to my right hon. and learned Friend that one of the great failures of the Government has been to persuade their European partners of the success of the unanimity provisions and the third pillar, and to allow them to go gallivanting down this road. Articles 60 to 69 of the treaty seem to be a blueprint for achieving a Napoleonic system of justice throughout the countries that are signing up to it. It is perfectly plain that that is what is going to happen.

Mr. Kenneth Clarke *rose*—

Rob Marris *rose*—

Mr. Grieve: There is a competition, so I give way first to my right hon. and learned Friend.

Mr. Clarke: I am grateful to my hon. Friend and I am pleased that he accepts the Maastricht settlement, the merits of which I recall having great difficulty persuading many colleagues when I was Home Secretary and taking it through the House. My hon. Friend is quite right to accept the co-operation that we now have and to say that the big change is that there will no longer be the third pillar, as provisions will be subject to the institutions. However, to take up his example of a few moments ago, is my hon. Friend really saying that there is a serious danger of the majority of other member states seeking to impose on us higher minimum standards of protection for the individual in our criminal processes than this House would find acceptable? I really think that that fear is fanciful: there might technically be a risk, but I have to say that, with respect, I simply do not believe that it will arise.

Mr. Grieve: May I take my right hon. and learned Friend back to the European arrest warrant? There might be arguments for the desirability of the European arrest warrant to speed up process, but I have to tell my right hon. and learned Friend that it would be impossible on any reasonable analysis to argue that the European arrest warrant has improved protection for defendants facing extradition. I do not think that my right hon. and learned Friend would attempt to say that, because it has short-circuited many of the rights that defendants previously had. If I may say so, that seems to me to be the precise area of criminal procedure that I was trying to highlight. Of course I accept that it is most unlikely that someone will come along and tell us that we have to change our criminal justice processes, but it could happen in areas where the EU is seeking to ensure conformity between countries—it will apply if we are opted in—in respect of practices that have cross-border implications. I really do not think that that can be brushed aside so simply.

Rob Marris: I am grateful for the hon. Gentleman's generosity, but may I draw his attention again to article 82? Contrary to what I understood the hon. Gentleman to say, this procedure goes through the European Parliament and the Council and in a sense provision is made for all states to opt out. Let me quote the article again. It states that the rules concern the

"mutual admissibility of evidence between Member States;... the rights of individuals in criminal procedure;... the rights of victims of crime;... any other specific aspects of criminal procedure which the Council has identified in advance by decision; for the adoption of such a decision, the Council shall act unanimously after obtaining the consent of the European Parliament."

I emphasise "unanimously" and I put it to the hon. Gentleman that he seems to be overlooking the fact that this is a two-way street. If we are talking about minimum standards, they are minimum standards that protect my constituents in any of the other 26 member states. That is desirable. The hon. Gentleman must look at both sides of the coin.

Mr. Grieve: I can see the two sides of the coin, but under the current third pillar arrangements the UK may negotiate and reach unanimous decisions to bring in treaty obligations that do precisely what the hon. Gentleman seeks. If for any reason those treaty obligations start to unravel because of difficulties of interpretation, the UK is able to retain its sovereign right to act to

[Mr. Grieve]

protect its own citizens, but once that has been transferred by opting into the new system that the Government find so exciting the only way out will be through a denunciation of the European treaty in its entirety. As I happen to think that there are considerable benefits from EU membership, I do not particularly want that to happen. However, when one starts bringing into a treaty that has a largely economic foundation these areas of crime and justice, which the Government themselves insist should be a matter for national Parliaments, as time goes by we run a serious risk of having precisely that sort of problem. That is what we should be teasing out.

Michael Connarty (Linlithgow and East Falkirk) (Lab): Let me return the hon. Gentleman to his attack on the European arrest warrant, which I thought very feeble. He pled that it was weak in defending the defendant, while failing to give it credit for allowing us to bring back from Rome very quickly one of the bombers who had killed people in this very city. Surely that is of more concern to our citizens than the argument that he is presenting.

Is the hon. Gentleman not aware of the robust stance taken by Home Office Ministers who said that they would not give up any of the defences in our own extradition treaty to secure the European arrest warrant? That is the Government's position, and the hon. Gentleman should applaud it. We are defending ourselves against the next phase that may arrive, and power lies with us to retain those provisions in our extradition treaty despite the European arrest warrant.

Mr. Grieve: I have listened carefully to what the hon. Gentleman has said, but I must tell him that the arrival of a system of arrest warrants is a very marked change from the previous position on extradition, which was that foreign Governments wishing to extradite British nationals had to show a prima facie case against them. It could be argued that the advantages to this country, administratively and in law-enforcement terms, of getting people out of foreign countries are considerable, but I do not think we should ignore the fact that a protection that has historically existed in our country's criminal justice system to prevent individuals from being sent abroad when there is not a sufficient case against them has been abandoned.

I fully appreciate that the issues are difficult to reconcile. However, there is a difference between an international treaty on the basis of which the United Kingdom can treat discretely, and from which it can resile if necessary, and a system involving entrenchment in a complex series of treaty obligations that are of great economic interest to this country. It is beyond my comprehension that we should consider including crime and justice when the Government themselves have highlighted the dangers that are likely to flow from that.

Mr. Clappison: Will my hon. Friend give way?

Mr. Grieve: I will, but then I must make progress.

Mr. Clappison: My hon. Friend has been very generous.

Is it not the case that, as far as this country is concerned, the European arrest warrant has been decided under the existing third-pillar provisions, that the European Court of Justice has no jurisdiction, and that the European Commission has no right of enforcement? Should not Labour Members, including the right hon. Member for Rotherham (Mr. MacShane), address the question of what benefits this country could gain by allowing full jurisdiction for the European Court of Justice and rights of enforcement for the European Commission? Does that not apply across the board?

Mr. Grieve *rose*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. Before the hon. Member for Beaconsfield (Mr. Grieve) replies, may I point out that interventions are becoming longer? They now include a prelude, a middle and a peroration. Given the limited time available for Back-Bench contributions, perhaps Back Benchers will keep their interventions concise.

Mr. Grieve: My hon. Friend the Member for Hertsmere (Mr. Clappison) is absolutely right. As I have said, the irony is that these developments appear not to have been necessary to achieve the objectives that the Government have previously set themselves. In areas in which unanimity has been achieved—I believe that there are nearly 80 examples—the Government have secured understandings and conventions with other European Union countries that may well improve our criminal justice system, but that is entirely different from surrendering jurisdiction to the European Court of Justice. It is beyond my comprehension that the European Court of Justice should have such jurisdiction—I do not see the necessity—but, above all, I have heard no explanation from the Home Secretary of why the Government consider this acceptable, when in the early stages of the convention they spent so much time arguing against it.

Mr. Heathcoat-Amory: Will my hon. Friend give way?

Mr. Grieve: I will, for the last time.

Mr. Heathcoat-Amory: I am grateful to my hon. Friend. As he will know, on the European arrest warrant this country keeps to the principle of dual criminality. We do not allow people to be extradited to another country for something that is not a crime in this country. The House has always insisted on that, and it is a provision in the Extradition Act 2003, but it is under threat from the Commission, which disapproves of the way in which the United Kingdom has implemented the arrest warrant. Does my hon. Friend agree that once it is governed by majority voting and the European Court of Justice, that provision insisted on by the House will be undermined?

Mr. Grieve: My right hon. Friend is absolutely right: there is plainly the potential for it to be undermined by majority voting.

That helps to explain why the Government's arguments on their red lines and opt-ins are so hollow. Far from solving their problems, the opt-ins and red lines will simply postpone over a four and a half-year period a series of decisions on which the Government are extremely

reluctant to tell the House what they will do in individual instances. Each time they decide to opt in within the sphere of criminal justice, they will be—particularly with the possibility of amendments to follow—essentially providing a small hostage to fortune without knowing where the road will lead and without the ability to control the process other than by letting off the nuclear option of saying that the totality of our European Union treaty obligations will be abandoned. It is difficult to understand that to be an example of good government.

The Government acknowledge that there are aspects of this treaty that we should approach with great caution—they also failed to negotiate properly with, or persuade, their partners about that. Yet they now tell us that that does not actually matter very much because the opt-ins will give protection. The opt-ins clearly will not do so. The real protection we had was under unanimity, and the problem we now have is that once every opt-in is negotiated we will have qualified majority voting. I simply wish to ask the Home Secretary a question—I hope that the Minister who will reply to the debate will deal with it. Which of the 80 matters to which we are now signatories do the Government think they can readily opt in to once this treaty is up and running, and which of them do they think will present a difficulty? The House is entitled to know that.

We have in the recent past witnessed the Prime Minister going through all sorts of strange permutations and convolutions about Britishness. He tells us that there are commissions looking into Britishness, and that he wants to examine it closely and to come up with all sorts of recommendations, but our criminal justice system is one of the foundations and defining matters of our national life. That is not to say that it is perfect, but it is certainly distinctive and the Government—quite apart from my party—appear to be committed to its protection. I fail to see how the Government will do that with the treaty in its present form and the opt-ins provided.

This afternoon, the Government have shown a capacity to trash just about every institution they come up against. They are certainly treating the criminal justice system and the rule of law in this country with contempt, and they are treating Parliament in the same way by curtailing debate.

5.8 pm

Keith Vaz (Leicester, East) (Lab): It is always a pleasure to follow the hon. Member for Beaconsfield (Mr. Grieve), who has won many awards for his parliamentary skill and ability. Sadly however, he concentrated in his speech today not on the substance of the justice and home affairs agenda, but on what I was going to call his Euroscepticism although I should apologise for calling him that because we now know that he is half French—I should, perhaps, now say that he has been half a Eurosceptic in his arguments.

In contrast, the Home Secretary made an excellent speech in which she rightly set out the Government's commitment to further co-operation with EU partners on the justice and home affairs agenda. I commend her on what she has done, and I commend to the House the Home Affairs Committee report entitled, "Justice and Home Affairs Issues at European Union Level", which was published on 11 October last year and which is tagged to the motion before the House. I intend to speak about the report and its influence on the Government's decision to accept the treaty and to put its main provisions before the House. The report was written before my time as the Committee's Chairman, but I know that its members, some of whom were present during the earlier part of the debate, were keen to ensure that although it is called the Home Affairs Committee, it carefully examined the European dimension.

The Committee examined the following issues: justice, of course; practical co-operation between member states; mutual recognition, including the development of minimum standards across the whole of the EU; the harmonisation of the criminal justice systems; the processes of decision making and whether problems are driven by third pillar procedures; the significance of a trend towards internal agreements between informal groups of member states outside the EU framework; and the current developments in common border controls and visa arrangements.

International crime, people trafficking, migration issues and other policing issues are, as the Home Secretary and others have told the House, no longer issues just for internal domestic consumption, and it would be very foolish to treat them as such. The Home Affairs Committee has been very clear in its recognition that we cannot keep our country safe and fight organised crime and terrorism without working closely with our neighbours. It said that in some cases not enough had been done to ensure a better level of co-operation. The treaty of Lisbon, and its commitment to those principles that I have outlined, is therefore extremely welcome.

Mr. Cash: Many people would agree that a good idea lies behind international co-operation, but why would the right hon. Gentleman especially single out that legal entity called the European Union when the problems that arise, as he has so aptly described them, are relevant to a global problem? Why does he just mention the European Union, particularly given the legal systems involved? For example, as I pointed out earlier, the political control over judges is greater in some European countries than it is over here.

Keith Vaz: I have enormous respect for the hon. Gentleman and his views, but he must understand that although we obviously have to go beyond the European Union to deal with issues such as international crime, human trafficking and terrorism, we need to begin with our partners. The strength of our relationship with our EU partners strengthens our position in dealing with these issues with the rest of the world.

The Committee felt strongly—I am sure that the hon. Gentleman will agree with this—that the Government must control some areas of the decision-making process on the justice and home affairs agenda. I am glad that the treaty strengthens the opt-out and thus recognises the concerns expressed during our deliberations in producing this report. In our view, policy initiatives at EU level should be pursued only if there is solid evidence that they are likely to make a practical difference to the effectiveness with which common challenges facing EU member states in the JHA field can be tackled.

Mr. Jenkin: The right hon. Gentleman may recall giving evidence to the European Reform Forum on the question of democracy, accountability and transparency in the EU. He agreed that there was a democratic deficit

[Mr. Jenkin]

in the EU and that the transfer of more and more law-making functions to the Commission and the European Parliament was not the answer to the democratic deficit, yet he agrees with this treaty, which provides for a substantial transfer of law-making powers from democratic Parliaments in the member states to the institutions of the European Community. He has said that the European Union cannot be a democracy. This treaty is a transfer from democracy to something that is not a democracy, so how will he address that problem?

Keith Vaz: I remember giving evidence to the hon. Gentleman's forum with great pleasure. Nothing that I have said today in any way contradicts what I said before his forum. Of course we have to pool our thoughts, resources and arrangements to ensure that we are more effective. That is what being a member of the European Union is all about and that is what we signed up to in the Maastricht treaty and in all the treaties to which Governments, whether Conservative or Labour, have been a party. The fact remains that it is only through co-operation that we will make progress, but there has to be absolute and proper scrutiny of what is happening—and that is what is happening in this Committee stage.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): Has my right hon. Friend ever visited the state of Cameroon, two thirds of which is French-speaking and one third English-speaking? Its judges cannot agree on how they should record their judgments. The English-speaking tradition requires written judgments and the French one requires oral judgments. I am sure that that is not an example of the sort of problem that we shall encounter, but one does wonder.

Keith Vaz: Only someone with the distinguished experience and ability of my hon. Friend could suggest that the House should compare Cameroon to the European Union *[Interruption.]* I do not think that that is a legitimate comparison, but I respect my hon. Friend's views and her wonderful pronunciation of French.

Mr. Jenkin: The right hon. Gentleman says that he is in favour of increased co-operation. We are in favour of co-operation, but that is provided for under the international arrangements that already exist. These proposals would mean a transfer from co-operation to, dare I say it, coercion, subject to qualified majority voting and the European Court, under the European Union. This is a completely different system, and it is not co-operation.

Keith Vaz: If the hon. Gentleman had stopped at the word "co-operation" and not gone on to "coercion", he would have taken the House with him. The fact is that we have to have co-operation when we deal with issues such as international crime, terrorism and human trafficking, as I shall explain.

Mr. Mark Harper (Forest of Dean) (Con): The right hon. Gentleman is in danger of setting up a straw man. He seems to suggest that anyone who is against this treaty is against co-operation. We are in favour of co-operation, as my hon. Friend the Member for Beaconsfield (Mr. Grieve) said, but the real question that the Government have to answer is what advantage we gain from the new process over and above the co-operation that we already have, as the Home Secretary outlined at great length.

Keith Vaz: What we get is the ability to catch more criminals; to deal more effectively with human traffickers; and to use the European arrest warrant to bring more people to justice. I have no fear of the extension of qualified majority voting, because every analysis of it shows that Britain is almost always on the winning side and hardly ever on the losing side. I pay tribute to my former private secretary in the Europe department of the Foreign Office, who regularly used to bring me analysis of qualified majority voting that showed that Britain was on the winning side. I do not know why the Opposition do not accept that fact.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Surely it is easy to be on the winning side if one capitulates every time there is a row. Anybody can manage to be on the winning side by constantly changing sides. Surely that argument misses the point.

Keith Vaz: That may happen in Glasgow, but I do not think that it happens in the negotiations that go on in Brussels, whether under a Labour or a Conservative Government. When Ministers represent the British Government they act in Britain's interests: they do not capitulate in order to please other countries. Ministers ensure that whatever is decided is best for Britain.

Policing is an area in which co-operation will increase as a result of the treaty provisions. I am pleased to see that the treaty sets out a timetable to ensure the full establishment of Europol and allows member states to be involved in proper monitoring of the way in which it operates.

I ask the Home Secretary, who is in deep conversation with the Minister for Borders and Immigration about very important matters, to what extent she regards such monitoring as enabling Parliament to be part of the decision-making process. I wonder whether the Minister for Europe will say, when he responds to the debate, whether he is happy with the timetable for Europol or whether he expects and wishes the timetable to be accelerated. The proper and effective operation of Europol is in everyone's interests, and I hope that he will also confirm that, if not the Select Committee on Home Affairs—I am not trying to empire-build—the whole of Parliament can be involved in the process.

Tony Baldry: Does the Chairman of the Home Affairs Committee agree that, although Europol might be a good initiative, practically none of his constituents, nor any of mine, have heard of Europol or what it does? This is becoming a secret-garden debate. If we had had a referendum on the issue, there would have been an opportunity at least to ensure that everyone understood the issues—good or bad—in the treaty.

Keith Vaz: Most of my constituents might not have heard of Europol, because they have never come to the attention of Europol, and therefore they have not been involved in any serious crime that would result in their being asked to visit or being visited by Europol. If the

hon. Gentleman is saying, "Let us go out there and explain the institutions of the European Union to the people of Britain. Let us have a proper debate about our role in the EU," I am with him absolutely. That is what the Government have been doing for the past 10 years, despite the attacks that they constantly receive in the tabloid press about their good work in Europe.

The Select Committee argued quite strongly that the European borders agency, Frontex, which is based in Warsaw, had untapped potential and that it needed proper resources if its efforts were not to be diverted into emergency operations. In June last year, there was a major Frontex operation to tackle illegal immigration from Moldova. At least 11 countries, including Britain, were involved in the operation, which resulted in the detection of at least 109 illegal border movements. That demonstrates the benefit of organisations such as Frontex and the importance of co-operation with our European partners.

I would be grateful to the Minister if he told the House in his winding-up speech what the reform treaty will mean for Frontex. Although separate from the EU, it is vital for European protection. The UK asked to opt in to Frontex, despite some objections that, to participate in Frontex, it was necessary to be part of the Schengen group of countries. I ask that Parliament and, indeed, the Select Committee be kept informed of all such developments, and we particularly welcome the opt-in that has been negotiated.

During the Home Secretary's speech, I alluded to the evidence given by Sir Stephen Lander, the chairman of the Serious Organised Crime Agency, about the importance of the work that SOCA was undertaking in the EU, particularly the importance of co-operation in dealing with drug traffickers and those who are involved in human trafficking. It is important that we hear from the Minister what further steps he will take to use the justice and home affairs agenda to ensure that SOCA can work properly and adequately with other such organisations in EU countries.

On data protection, we heard from the Home Secretary about the need to share information. Indeed, when the Select Committee recently visited Washington we saw the effects of the data sharing between EU countries and the fact that the data were also shared with the United States of America—in particular, passenger name records were used to monitor those who were involved in undesirable activities entering the United States. The Home Secretary gave me an assurance quite strongly that she had brought to the attention of European colleagues the need to protect those data, and I very much hope that that is at the forefront of her consideration. If we share data with European partners and if they share data with us, it is important that those data are protected. If they are not protected, we will have serious problems.

I mentioned human trafficking; the Committee is about to start a major inquiry into human trafficking. We will go to Kiev, Moscow and probably Lithuania to consider the issue of the EU's external borders. The hon. Member for Stone (Mr. Cash) spoke of co-operation with countries beyond the EU. There is a bigger world outside; why are we always concerned with the EU? That is what he always says so eloquently in debates such as this. We do need the co-operation of countries outside the EU if we are to make any impact on those involved in what everyone regards as a modern form of slavery. We recently debated human trafficking in this House, and many right hon. and hon. Members took part. It is important that we ensure co-operation.

The treaty deals with many of the same issues that the Committee highlighted in its report last year. I am pleased with the importance given to co-operation in policing, crime detection and immigration and asylum. They are important issues. I had the privilege of being at the Tampere European Council in 1999, when the process began—for the first time, the European Union considered justice and home affairs—and I watched with great interest and delight as after Tampere came The Hague programme and finally The Hague 2, which ensures that we deal seriously with justice and home affairs. Britain is at the heart of the JHA agenda because of the work of Ministers and officials over the past 10 years and more. I commend the action taken, and I have great pleasure in supporting the Government motion.

5.26 pm

Chris Huhne (Eastleigh) (LD): I am pleased to follow the right hon. Member for Leicester, East (Keith Vaz), both because of his interest in European matters over many years and because of his role as Chairman of the Select Committee on Home Affairs.

Globalisation clearly involves the globalisation not merely of trade but of crime. The communications revolution ensures that, as does ease of transport. Sometimes I think that Members of this House, particularly those on the Conservative Benches, have not caught up with public opinion on the issue. A recent Eurobarometer opinion poll found that 70 per cent. of British people believe that decisions on terrorism, for example, should be taken jointly with our EU partners. As the right hon. Gentleman pointed out, we recently debated precisely that issue in the context of the Council of Europe anti-trafficking convention. The trafficking of men, women and children is a new form of slavery by debt bondage and an outrage against all civilised values. It is an entirely international trade on which the utmost international co-operation is required if it is to be tackled effectively. That includes early ratification of the anti-trafficking convention.

Trafficking is possibly only the most shocking of the crimes now committed by international organised crime, which include drug-running, gunrunning and terrorism grounded in international networks such as al-Qaeda. Tackling such crimes requires intense and regular co-operation, which requires, as the right hon. and learned Member for Rushcliffe (Mr. Clarke) rightly pointed out, a legal basis in any country grounded in the rule of law, as ours is. The treaty amending previous provisions on the matter will provide that basis.

The Home Secretary pointed out past successes of the European arrest warrant, such as the rapid arrest and extradition from Italy of Osman Hussain. I note that the Centre for European Reform recently reported that extradition times between member states have been reduced from an average of nine months to just 43 days as a result of the European arrest warrant. I was proud to vote in favour of that measure when it came before the European Parliament during my time as an MEP, and I was shocked to see that the Conservative MEPs all voted against it.

[Chris Huhne]

Another example of successful co-operation was Operation Koala, which was co-ordinated by Europol and Eurojust. The status of both those bodies will be clarified under the treaty. Officers arrested 93 people in connection with a case of pretty revolting paedophilia—about half of them were living in Britain, and many of those were clearly a danger to our fellow citizens and our children—and identified 23 victims, all girls. That was a real achievement for EU co-operation. How can the Conservatives oppose the effective work of such bodies when those bodies themselves want to be grounded in a proper legal basis?

Mr. Grieve *rose—*

Chris Huhne: I shall give way to the hon. Gentleman so that he can attempt to explain that.

Mr. Grieve: I am grateful to the hon. Gentleman. May I take him back to the European arrest warrant for a moment? I recollect that those on the Liberal Democrat Benches expressed considerable concern over our extradition arrangements with the United States of America because of the lack of need to show a prima facie case. Can the hon. Gentleman explain why the fact that the same thing applies to the European arrest warrant does not trouble him at all? He will know my views from what I said earlier. There may be justification for an arrest warrant Surely the underlying principles are exactly the same.

Chris Huhne: The hon. Gentleman is wrong to say that the underlying principles are exactly the same. First, the European arrest warrant is entirely reciprocal. One of the major problems with our current extradition arrangements with the United States is that they bear all the hallmarks of an uneven treaty. They apply far more onerously to us than to the United States. The second fundamental difference, as I am sure the hon. Gentleman is aware, is that we have joint political arrangements within the European Union for determining these matters, including ongoing scrutiny, not just in this place and other national Parliaments, but in the European Parliament and the Council of Ministers. Therefore the two matters are entirely different.

Mr. Cash *rose—*

Chris Huhne: I should like to give way, as the hon. Member for Stone (Mr. Cash) knows, because we have sparred on these issues and so many others, but I shall make a little progress first.

Chapter 3 of the Lisbon treaty sets out the provisions on judicial co-operation. I was pleased that the hon. Member for Wolverhampton, South-West (Rob Marris) highlighted the practical benefits that that will bring on civil matters—for example, for businesses. We are far more integrated than we ever were in terms of trade, so it is enormously beneficial to be able to operate a small claims court and follow through more easily on matters such as the settlement of debts. The rights of British citizens should not end at our frontiers, but extend beyond into the judicial space of our partners.

Chapter 4 deals with judicial co-operation on criminal matters. One of the things that Conservative Members may forget is that more than 750,000 of our fellow citizens choose to exercise their right under the treaties to live in other EU member states. It is surely right that we should look out for and be concerned about their rights.

The House will remember the hue and cry over the British plane spotters arrested in Greece in 2001 on suspicion of spying. I remember that a number of Conservative Members became extremely exercised about the matter, including even the hon. Member for Stone. In such cases EU-guaranteed rights for people to know the charges against them in order to be able to rebut them would be important, yet attempts to get guaranteed rights across the EU for defendants have repeatedly foundered in the Council of Ministers for more than three years.

I find the position of the hon. Member for Beaconsfield (Mr. Grieve) extraordinary. He seems to be arguing that the Conservatives want us to maintain our right to have lower standards of protection for defendants than Romania, Bulgaria, Cyprus, Greece or any other member state. That is the logic of his position.

Mr. Grieve: The hon. Gentleman did not listen to what I said. He did not listen to the exchange between myself and my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke), or he did not take it in. I pointed out clearly that the difficulty arose not in terms of the areas that would remain entirely domestic, but where there was a perceived need by the European Union to intrude into areas where criminal process had a cross-border nature. The hon. Member for Eastleigh (Chris Huhne) should examine that carefully, because it is possible that we could end up with lower standards than we have at present.

Chris Huhne: I listened carefully to the hon. Gentleman during his exchange with the right hon. and learned Member for Rushcliffe (Mr. Clarke) and I simply do not see the practical impact of what he is talking about. I shall come to what I am afraid I would describe as the edifice of paranoia that he is attempting to establish about the proposals in the treaty.

However, the hon. Gentleman is right to point out that justice and home affairs is a highly sensitive area; that is why it is so important to ensure real safeguards of subsidiarity. As the hon. Gentleman was painting a picture in which we were about to be overrun by people who did not care about democracy, the rule of law or rights for defendants—that is his essential implication about our partners in the European Union—I was astonished that he entirely disregarded what is in the treaty to ensure real safeguards of subsidiarity, and the important general guarantees that enable member states to co-operate but do not impose intrusions from Brussels or Luxembourg.

For example, the Lisbon treaty spells out that the European Union

"shall respect the equality of Member States before the Treaties as well as their national identities".

Such a provision is already contained in article 6 of the treaty on the European Union:

"The Union shall respect the national identities of its Member States".

In the 2004 and 2007 texts, that is expanded to respect for state provision to maintain internal law, order and national security. In addition, and of particular importance to the Government, as we have heard, the Lisbon treaty adds:

"In particular, national security remains the sole responsibility of each Member State."

By the way, that is the first time that such a provision has appeared, and it represents a fundamental difference from the constitutional treaty. Indeed, article 33 of the treaty on the European Union states that the provision on police and judicial co-operation on criminal matters

"shall not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security."

We have already heard concerns about the creep possibly introduced by the judgments of the European Court.

Mr. Chappison: In view of the praise that the hon. Gentleman is lavishing on the judicial and home affairs chapter of the treaty, will he say whether it will be Liberal Democrat policy to sign up to that chapter?

Chris Huhne: I am very happy to say that we want to co-operate with our partners on matters for which there would be a clear, practical effect in tackling international crime such as terrorism, drug-running and gunrunning. I am astonished that the hon. Gentleman and his friends on the Conservative Benches fail to see that point.

Mr. Cash: Will the hon. Gentleman give way?

Chris Huhne: Let me make a bit of further progress and I shall come back to the hon. Gentleman.

Article 35 of the treaty on the European Union states,

"the Court of Justice shall have no jurisdiction to review the validity or proportionality of operations carried out by the police or other law enforcement services of a Member State or the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security".

That brings me to some of the differences between the Lisbon and constitutional treaties; they are particularly important in the area of justice and home affairs. Open Europe has said that, given the fact that 10 of the 250 proposals are different, 96 per cent. of the Lisbon treaty is the same as the constitution. However, a *Nature* article in 2005 reported the discovery that 96 per cent. of the DNA of all of us in the Chamber is the same as that of a chimpanzee; we would surely agree that the differences between us and chimpanzees are more significant than the similarities.

In fact, there seem to be several very important differences between the JHA provisions in the constitution and in the Lisbon treaty. First, there is specific language to enable some member states to proceed with measures on police and judicial co-operation while others do not participate. Secondly, under protocol 20 there is an extension of the UK's 1997 opt-out on JHA to judicial co-operation in criminal matters and police co-operation. The significance of that in the context of previous decisions in the European Union is extraordinary, and I am not sure that Members have fully appreciated it. In effect, our EU partners have allowed us to join the club on justice and home affairs under the condition that we can unilaterally decide which rules we want to apply and which we do not. This is à la carte Europe, not for any other member state, but for Britain, and it is new in the Lisbon treaty—it was not in the constitutional treaty. Obligations placed on other member states will be sustained, yet we will be free to opt out of any such obligations that might be imposed on us.

In painting his alarming picture of being overrun by people who do not care about civil liberties, the hon. Member for Beaconsfield raises the question of what happens if we do decide to opt in to justice and home affairs matters—as I very much hope that we will, given the internationalisation of so many of the problems that we face. Are we still able to use the emergency brake that sends an issue to the European Council? Yes, indeed we are. It is still possible for us to go to the European Council, although the hon. Gentleman did not touch on that at all. It is deeply significant that article 9B(4) of the Lisbon treaty—I hope that Conservative Members will look at it—deals with what happens when such matters are referred to the European Council. It explicitly states that, except where the treaties so provide, the European Council will determine those matters "by consensus". In legal terms, that means that every single participant in the European Council has a national veto over what will be determined there. The entire picture that the hon. Member for Beaconsfield painted of our being completely defenceless if we make the mistake of going ahead and participating in any of these areas—

Mr. Grieve: The hon. Gentleman is right that I did not touch on that—I probably should have done, but it was rather a question of trying to bring my remarks to an end because of the number of interventions I had taken on the emergency brake. Let me point out to him that nothing in the wording on the emergency brake requires the Council to consider such representations; indeed, the wording makes it explicit that it is discretionary.

Chris Huhne: It is absolutely clear in the treaty—I have just given the article reference—that the European Council will discuss the matter and determine it "by consensus". The hon. Gentleman has completely failed to take on board the extraordinary impact of that, despite the fact that he is half French. The right hon. Member for Leicester, East, who suggested that because the hon. Gentleman was half French he was only allowed to be half Eurosceptic, seems not to realise the history of these matters, given that General de Gaulle was so keen on the Luxembourg compromise, the empty chair policy and the national veto. For the first time since the treaty of Rome, this treaty introduces formally into law a commitment to proceed on the basis of consensus, not an informal understanding that we will not proceed if there is a lack of consensus. In other words, the Luxembourg compromise championed by General de Gaulle has been inscribed in EU law.

Mr. Cash: Will the hon. Gentleman give way?

Chris Huhne: Happily—how could I not give way to the hon. Gentleman?

Mr. Cash: I wonder whether the hon. Gentleman is being a little over-enthusiastic. Does he not recall that during cross-examination by the European Scrutiny

[Mr. Cash]

Committee, the Minister for Europe suggested that the whole of the JHA measures had an emergency brake? Does he not accept that the reform treaty makes no provision whatsoever for an emergency brake in respect of the other matters dealt with under paragraph 4?

Chris Huhne: I believe that the emergency brake will apply across the board. That certainly appears to be the legal opinion according to what I have seen, although I do not know what the Minister said in Committee. On the sensitive matters that we are discussing, there is no doubt that the emergency brake applies, that the European Council position is as I have described and that for the first time in any EU text it is made clear that the European Council will proceed by unanimity.

Another important difference is that the provisions in the Lisbon treaty that allow legislation to be adopted on passports, identity cards and residence permits have moved from the citizenship part of the treaty to the immigration part. That means that the UK can opt out, as can Denmark and Ireland. That is an important part of the case that the Liberal Democrats have sought to argue—the Lisbon treaty is fundamentally different from the constitutional treaty in terms of the safeguards that are provided.

David T.C. Davies (Monmouth) (Con): Does the hon. Gentleman not accept that although the provisions have been moved at the moment, there is a danger that they might be moved back again? Is that not something that we have seen the EU do before? For example, Britain was given an opt-out on the social chapter one minute, only for the EU suddenly to decide to implement limits on working hours under health and safety regulations the next.

Chris Huhne: I can see that the paranoia that has infected the Conservative Front Benchers is creeping backwards. I do not recognise that as the real world. When I listen to the descriptions of the workings of the EU that come from those on the Conservative Benches, they bear no resemblance whatsoever to the institutions with which I was involved for six years as an MEP. I urge Conservative Members to use the allowances so generously supplied by this House to get on a Eurostar, visit Brussels and find out what the case is for themselves.

Mr. Gummer: Will the hon. Gentleman remind the House that the Government knew perfectly well that the scope of health and safety in the EU covered those measures that were then implemented? That was part of the original treaty and there was no question that the EU in any sense misled Britain or those who had negotiated the deal.

Chris Huhne: I am grateful to the right hon. Gentleman for that extremely helpful intervention. His recollection is the same as mine.

I have a question for the Minister. In availing ourselves of those opt-ins and opt-outs, as I hope that we will, what parliamentary scrutiny will that involve in this House? On a formal level, will the Government be able to opt in or opt out merely through statutory instruments? That would probably not be an appropriate matter for secondary legislation. Should there not be a commitment at least to a proper debate on the Floor of the House or even to use primary legislation to make the change?

I hope that the new Government Front-Bench team will dust off some of the proposals made by the Modernisation Committee—and some of the evidence that it was given—about how we can improve the way in which our Ministers are scrutinised when they go to the Council of Ministers, as the Danish Folketing or the Finnish Eduskunta have done. That would give enormous reassurance to the people of this country that we will not have to put up with secret decisions such as those that the hon. Member for Beaconsfield has attempted to portray as a great threat to our national life.

Mr. David Heath (Somerton and Frome) (LD): My hon. Friend is raising an important point about the parliamentary scrutiny of any opt-in arrangements. If such scrutiny were not effective, we would be building the use of royal prerogative on top of a previous use of the royal prerogative. As the Government are committed to reviewing use of the royal prerogative in any case, and to providing proper parliamentary scrutiny, it would be perverse if any potential opt-in was not properly scrutinised in this place.

Chris Huhne: I am very grateful to my hon. Friend for that intervention. I simply reiterate that many of the unfounded fears about the EU would be put right if this House did a much more effective job of scrutinising our Ministers when they represent us in the Council of Ministers. Ideally, we would do that beforehand, as happens with the Danish Folketing.

The Conservatives have pressed for a referendum on the Lisbon treaty, but the problem with that is that the treaty allows us to incorporate its provisions or not, as we see fit. I can imagine that that was not an easy concession for Ministers to obtain. It is frankly breathtaking for the Conservatives to say that this country will accept that concession while retaining the right to reject the whole treaty that our partners wished to implement without opt-ins or opt-outs. In my experience, no business negotiation could conceivably succeed on that basis, and no business would want to bother negotiating with anyone who set out such a position. There has to be give and take.

All in all, we on these Benches hope that the new Lisbon treaty will prove to be a useful way to tackle the increasing globalisation of crime and to extend the rights of our citizens, wherever they choose to live in the EU. We hope too that it will extend the rights of the millions of people who visit other member states in the course of their holidays. However, there can be no doubt that the provisions in the Lisbon treaty are substantially different from those in the constitutional treaty, and that they allow the UK a far greater ability to pick and mix than we enjoyed before. That is the main reason why we believe that it would be a mistake to unpick the arrangements, and why we urge that the House support the Government motion.

5.51 pm

Michael Connarty (Linlithgow and East Falkirk) (Lab): It is a joy indeed to follow the hon. Member for Eastleigh (Chris Huhne). He claims to have DNA that is somewhat similar to what we on the Labour Benches have, although I think that it is slightly weaker. However, we accept what he says, as he will be joining us in the Lobby on the Bill.

I am also pleased to follow the hon. Member for Eastleigh because he echoed the questions that I have been raising with the Government for some months. Those questions have to do with the procedures that will allow this Parliament to be involved in the opt-in processes, whereby matters to which we have signed up already and which come under the jurisdiction of our courts will be transposed to the jurisdiction of the European Court of Justice. I am also concerned about the procedures that will allow the House to be involved in dealing with matters to do with the proposed orange and yellow cards, and with the implementation of the passerelle clauses. The passerelle clauses relate to various matters, including those connected with foreign policy.

I am glad that the Liberal Democrats have focused on the procedures involved, and I hope that the main Opposition party is thinking about them too. I am Chairman of the European Scrutiny Committee, and my Committee has agreed, along with the Public Administration Committee, to consider seeking a resolution from the Government that would deal with the matters that I have set out. That resolution would be additional to this Bill, and I hope that it would formalise and make concrete and substantial Parliament's involvement in each of the procedures. In that fashion, the way that matters are handled would not be left to the Government alone.

The people who read our debates are sometimes more aware of our prejudices than the substance of our discussions. It is important, therefore, that we keep it in mind that the motion makes it clear that we are talking about

"justice; policing; human trafficking; and asylum and migration policy",

as well as matters relating to "fighting cross-border crime". People will want to know what we want to do in those areas, and whether the reform treaty will help us to perform better. They will not be so interested in our general prejudices about how someone might have moved away from the positions that he or she took in the European Convention, or about how opt-out agreements were reached—for example, whether they came with or without red lines, and what the substance of those red lines was. My Committee has reported on all those matters and we stick by the positions that we took, but people outside will want to know what the House thinks about them.

Two matters underpin—although they might undermine—the House's approach to the subjects being debated. First, there is no clear procedure that allows Parliament to get involved in or to control the opt-in process. The possibility remains that the process could be handled in secret by the Council of Ministers, although I hope that that does not happen.

My Committee has examined the conclusions from past Council meetings, to determine how they were written and where decisions came from. In a report that we are issuing this week, the Committee says that the Council is both secretive and eccentric. It is important that the process involved is neither of those things: it must be characterised by openness and clarity, and all decisions taken must be accountable to this House.

The second thing that underpins—or undermines—our approach to these matters is that we would not retain the status quo if, for some reason, we decided not to opt in on any given matter. My Committee was concerned about that, and some might say that it is ridiculous: surely, if we do not want to go along with the new Community method established in the reform treaty, we should be able to opt out of it. In contrast, Denmark was not asked to opt out because it has a protocol that means that it can keep its existing arrangement if it does not want to opt into the new arrangements—that is, with the Commission in charge and the ECJ providing the final judgments—established by the reform treaty process. As a result of the protocol, the Danish Government and courts will retain their powers of judgment and control. It is clear, therefore, that the Danish protocol allows that country to underpin—and probably undermine—a lot of our concerns about how the reform treaty will pan out.

Mr. Grieve: I read the report from the European Scrutiny Committee, and much of it made tremendous sense. Has the hon. Gentleman received any enlightenment from the Government as to why they did not seek an opt-out arrangement similar to that enjoyed by the Danish Government? Such an opt-out would go a long way towards resolving some of the anxieties that I expressed in my speech.

Michael Connarty: I believe that the explanation was that we secured a better deal than Denmark did. That was the Government's assessment and they have stuck by it in their arguments, although I suggest that Denmark was probably allowed to retain its opt-out because it is a small country that does not make a significant dent in the general conduct of Community affairs. In contrast, the UK is a large country and a big player in the EU. If we had secured a similar opt-out, other countries might have followed us and demanded opt-outs of their own—something that happened when Poland followed our lead on the charter of fundamental rights. Even so, I believe that the reform treaty deserves our support, as long as the proper procedures are put in place so that Parliament can discuss each transfer of power and opt-in.

I was slightly late for this evening's debate because I was hosting the launch of the Law Society's guide to the treaty of Lisbon. The guide is not prejudiced in any way, but offers a clear elucidation of what the treaty contains. It gives good advice to the legal profession about how the treaty will help those who practise in the criminal, civil and commercial law. It will simplify the legal code, and allow legal professionals to do their business in Europe on behalf of this country's people and companies much more effectively. I was pleased to be asked to host the launch event this evening.

I also attended the launch of an organisation called BlueBlindFold, which was set up by the hon. Member for Totnes (Mr. Steen), who chairs the all-party group on human trafficking. The organisation makes it clear that trafficking is happening in this country. Whether we like it or not, it is a problem in every constituency, and the people of this country want to know whether the treaty will strengthen our working relationship with the rest of Europe so that we can deal with it. I believe that it does.

I was pleased to be at both the events that I have described, although they meant that I missed the speech by the Home Secretary. However, I have some of her briefing notes and, despite my earlier absence, I shall respond to them now.

[Michael Connarty]

In its third report of 2007-08, the European Scrutiny Committee made clear its concern that the move to QMV and the jurisdiction of the Commission and the ECJ would lead to the loss of control over criminal justice unless the right to opt in was maintained. We also stated that the UK should retain its right to opt out, as I have said. The Home Office briefing stated:

"The Lisbon Treaty would make qualified majority voting apply to Justice and Home Affairs (things like policing, judicial systems and control of borders). But decisions taken will not affect the UK unless we believe that such co-operation is in our national interest."

It is for precisely that reason that there must be some sort of debate on the Floor of the House every time the Government decide to take part in that co-operation. They will have to convince the House that such co-operation is in our national interest, and it is possible that they will be able to do so. However, I do not want the Government to be able to avoid that responsibility: I do not want them to operate off the radar, as that would give people the idea that they have something to lose and that they are not willing to tell us all about what is going on.

The Home Office briefing also states:

"The Lisbon Treaty allows for the creation of a European Public Prosecutor."

Again and again, the European Scrutiny Committee has made it clear that we would not approve of that for the UK. So far Ministers have been on our side, and we have an opt-in over that possibility. We can prevent the European public prosecutor from having a role in the UK, but we do not yet know what the consequences will be of opting out from that arrangement. What other relationships with the European public prosecutor's office will we have to give up? We may find that we lose out on things because of the opt-in, or the opt-out.

Mr. Cash: I would like to home in on the question of the European public prosecutor as an example. As a member of the European Scrutiny Committee, I certainly want debate on such matters, but what troubles me is the substance of the changes relating to dual criminality, the burden of proof, the judicial process and political interference in the judicial process. It is those substantial questions that trouble me—not exclusively the arcane arguments about opting in or out.

Michael Connarty: Perhaps I have been told that I use arcane arguments. I do not remember being accused of that; I am usually told that I am blunt and in your face.

Rob Marris: Yeah, that's right.

Michael Connarty: Thank you. Where I come from, that is called a compliment, on the basis that we in the industrial heartlands of Lanarkshire are not shrinking violets.

However, the substance of the treaty is the matter of the debate, not questions of opting in or out. What does a proposal mean, what does it bring with it and do we want it? Does it give us an advantage and lead to better co-operation? As my right hon. Friend the Member for Leicester, East (Keith Vaz), the chairman of the Home Affairs Committee, asked, does it give us the power to catch more criminals and to defend our people better? On balance, I would say that a lot of things in the treaty do so.

I have some examples from the Law Society guide. It states:

"EU criminal justice policy is built on police and judicial cooperation; minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crimes with a cross-border dimension; and the organisation of Europol and Eurojust."

Those changes are welcomed. That is the view of that profession in its defence of people, companies and organisations in the UK. The guide says:

"The Treaty reinforces and consolidates progress in this area to date. It underlines the principle of mutual recognition, allowing a court in one EU country to recognise and enforce a criminal conviction from another."

That is something to be welcomed; the society is correct in that assessment. On criminal law, it points out:

"Under the treaty the EU is able to legislate to influence national law in two circumstances:

1) serious crime with a cross-border dimension—e.g. drug-trafficking, terrorism and organised crime.

2) Where the law has already been harmonised in all EU countries."

With regard to judicial co-operation, there is an intention to remove the veto, but

"the UK reserves the right to opt in on a case by case basis."

That may remove the deadlock that existed in this area.

All those aspects must be applauded with regard to co-operation and the results that they will bring. On police co-operation, the guide states that the treaty

"provides for cooperation for all police and specialised law enforcement agencies. That could impact upon the availability and permissibility of evidence in cross-border cases."

The Law Society does not see that as a negative matter. On civil justice and family law, it states that there is a

"Greater impetus for more local cooperation in civil law with cross-border issues. The UK can opt out of these provisions."

In family law,

"National Governments will continue to wield their veto",

which I think people will welcome. The Law Society has taken an objective, professional view of the matter, not a politician's view, as it pointed out to me, and it has welcomed the changes.

We must consider other areas that should be welcomed. For example, we recently saw a report from the Commission to the Council on the application of the directive laying down minimum standards for the reception of asylum seekers. I have to say that the UK did not come out well, although it was robustly defended by the Under-Secretary of State for the Home Department, my hon. Friend the Member for Hackney, South and Shoreditch (Meg Hillier), who has just joined us. The report criticised us, and as someone who has had to deal with families who are justifiably seeking asylum, who had been treated less than humanely by this Government, particularly when they were locked up in Dungavel, I welcome such co-operation, which ensures standards for those of all nations. The report says:

"Minor difficulties were detected with regard to the application of the Directive in time."

The UK is one of the countries criticised. The report also states that

"serious problems exist in terms of the applicability of the Directive in all premises hosting asylum seekers."

Sadly, the UK is again mentioned. The report says that asylum seekers are duly informed by the UK in proper time, but that member states do not always comply with the documentation deadline, and once again, the UK is mentioned. The report continues:

"Certain deficiencies are noted regarding the possibility of appeals against certain negative decisions."

When it comes to a lack of appeals, sadly, the UK is named again.

I welcome the notion of cross-border, EU-wide policing and reporting. We had a debate in this place on common asylum policy, and in time we may choose the method of compulsion to ensure that other countries come into line with our standards. However, people who have not been treated properly in other countries often end up here. That is the problem. If they are not getting justice elsewhere in the EU, they come to the UK. We saw that with the recent floods of people who came in when there was much trouble in the world, particularly in the Balkans and Africa.

Kelvin Hopkins (Luton, North) (Lab): Is not one of the problems that Britain is a country targeted by people emigrating from outside the EU? I recently visited Finland with the European Scrutiny Committee, and the Finnish said that no one wants to go there because it is too cold and the language is impossible. Some countries will be voting on asylum law that will not affect them but will affect us, and is not that a problem, too?

Michael Connarty: People have many reasons for not going to other countries, and dealing with a language as difficult as Finnish will certainly be one. An interesting point—it is not related to asylum—was made to me by the Hungarian Foreign Secretary last week. There are actually more UK residents living and working in Hungary than there are Hungarian residents living and working in the UK. People have different reasons for travelling to other countries, but with regard to asylum, if people are not treated adequately and properly in a uniform manner throughout Europe, they will gravitate towards countries such as the UK. Despite criticisms, I still think that the UK has one of the most open and compassionate views of the rights of citizens to flee from terror and from places where their life is under threat.

I turn to the agenda that is being advanced in this field under the Slovenian presidency. The train is moving, and if we do not want be on it, we had better get off it quickly. Slovenia is a country of 2 million people, and its presidency is taking this area of responsibility seriously. During the next six months, it will have to work on these matters and take decisions on behalf of everyone. Should passenger name records be passed on to other countries, including the United States? What is the European critical infrastructure, and how should it be protected and defended from terrorism? How should we deal with Europol? Europol will not go forward because of the treaty—it will do so anyway.

What is Europol? I have visited Europol and was impressed by it. Europol members travel out of their own jurisdictions and work on our behalf in an information passing and gathering role. Sadly, they do not come down the street to arrest people, but they provide information that allows the local police to recognise individuals. There are questions about Europol's status. Should it have certain immunities? Should it be subject to conditions regarding an EU or EC jurisdiction, rather than to a co-operative arrangement between countries?

We have mentioned Eurojust. That is covered by the returns directive, which allows us to send people back to countries when they are claiming asylum falsely. It is important that that matter is processed, and that it is dealt with under the current presidency. The Justice and Home Affairs Council has considered the matter of e-justice three times, and I hope that people will be able to use an e-justice portal to get justice in Europe. There will also be future group work on justice to consider.

All those things will be dealt with under the Slovenian presidency during the next six months, and we must realise that they are good for Europe and good for the UK. We should take advantage of what comes out of that presidency under the reform treaty. Slovenia is already committed to the treaty, as are most countries in Europe, and we should be with them. Having doubts about the opt-in question, or the fact that we lost some of the arguments in the convention, is not a good enough reason to argue against the treaty.

The paper that we considered in April 2007 on police and judicial co-operation in criminal matters was clearly about making progress through pooling our resources sensibly. We should approve of that. The hon. Member for Eastleigh mentioned Europol, and I have been examining some of its successes. Our countries have problems with counterfeiting. Operation Diabolo, an example of Europol-guided police co-operation, seized 135 million counterfeit cigarettes and other items. Europol should be commended for that sort of thing. A worldwide child sex offender's network was dismantled because of the information gathered, passed on, secured and used by the police in different jurisdictions in Europe. All that was achieved by Europol. Every constituent of every hon. Member wants such things to happen. The idea of being scared of Europol or perceiving it as a bogey man police force is nonsense. We should co-operate with and commend it.

Mr. Grieve: I agree with every word that the hon. Gentleman says. However, he is classically demonstrating the success of the existing third pillar system. If he forgets for a moment his allegiances to his Front Benchers, does he not think that there is little necessity for merging the third and first pillar, or for the consequences, which he has identified, of the opt-in system and the jurisdiction of the European Court of Justice? The existing system has delivered good co-operation and good results.

Michael Connarty: If the world could stand still, the hon. Gentleman would be right. However, the world cannot stand still, and Europe cannot stand still. The EU now has 27 members and completely new borders outside it. Moldova has been mentioned. I met the Moldovan delegation yesterday and there is a problem

[Michael Connarty]

with Transnistria and the trafficking of not only people but drugs and other things that we do not want in our society into Ukraine and the rest of Europe. We are in a completely new Europe because we decided to enlarge for reasons of security, economic sense and general common sense. We have done it; we must deal with the world as we move forward.

My Committee marked out treaty articles from 61 onwards as ones in which opt-ins occur again and again. However, we retain the emergency brake for criminal justice, although we do not for civil law. Article 61E contains a new and additional power, which was not in the constitutional treaty, for national Parliaments to determine whether we opt in or out. There are similar provisions on border checks, asylum and immigration. On judicial co-operation in civil matters, we can opt in but we do not have the red card apart from on family justice. It is important to perceive all those matters as benefits to the UK and the EU.

The question for Conservative Members is how they will convince Europe that they are serious about being part of European progress. What has happened worries me. The intelligence of Opposition Front Benchers is obvious and they are doing a great job of arguing a case in which, in my view, they do not truly believe. They know that Europe must move forward and that people must make new alliances and decisions and give new weight to the preferences of each country.

A question remains about whether the Government will give proper power to Parliament to determine opt-ins and opt-outs and whether we can perhaps send them back to argue, case by case, that we will opt in only if we get the same conditions as Denmark. I would like that argument to be presented. If the Conservative party ever came to power, I hope that its Front Benchers would perceive as reasonable the idea that we must advance but also try to hold on to what we have. Negotiations are all about that. Sometimes one gives up things to gain things. I will support the Government tonight and throughout our deliberations on the treaty because I believe that we will gain more than we lose.

Mr. Grieve: Is it not a problem that the treaty, like so many other aspects of the European Union, is a little like one's grandmother's mangle? Once one's shirt gets caught in it, there is only way through it. *[Interruption.]* And it is quite painful. The absence of an ability to redirect the EU appears to incline the hon. Gentleman to say that one should simply surrender to it, even when it is going in a mistaken direction. That is why we take issue with the criminal justice articles in the Lisbon treaty.

Michael Connarty: I respect the Conservative Front-Bench position, but the hon. Gentleman is like the little boy who sticks his finger in a mangle to try to stop it. He will get a bust finger.

Rob Marris: There should be an emergency brake on the mangle.

Michael Connarty: I have said as much as I wish to say.

6.15 pm

Mr. David Heathcoat-Amory (Wells) (Con): I am pleased to follow the hon. Member for Linlithgow and East Falkirk (Michael Connarty), who chairs the European Scrutiny Committee, on which I serve. It has produced two influential reports on the treaty of Lisbon, which show, beyond dispute, that it is, to all intents and purposes, the same as the failed constitutional treaty. The reports also punctured the complacency with which the Government rely on their so-called red lines to protect our decision-making powers.

I believe that the hon. Gentleman would also agree that the work of our Committee in looking upstream at the advancing tide of legislation has not diminished. Indeed, the volume of draft directives, decisions and legislation from Brussels is, if anything, increasing, especially on justice and home affairs. That gives the lie to the frequent assertion during the preparation of the treaties that they were essential for enlargement. The Government claimed often that, without the new constitution or the treaty, deadlock would ensue and we therefore had to move to a general system of qualified majority voting. Yet enlargement has proceeded not once, but twice. Twelve new countries have joined and no reduction in the volume of legislation is apparent.

Chris Huhne: Does the right hon. Gentleman agree that he is confusing proposals from the Commission, many of which can languish for years without being agreed, with directives that are agreed by the Council of Ministers and the European Parliament? With a much larger membership of the EU, we need a change in the decision-making arrangements precisely because proposals languish for years on end.

Mr. Heathcoat-Amory: Many proposals languish for far too long after member states have decisively turned them down. One of the problems is that the Commission never gives up. It waits for its moment and then introduces failed proposals – in the case that we are considering, a failed constitution. I do not agree with the hon. Gentleman's premise. Indeed, all the studies show that there has been no problem with essential decision making. The Minister did not advance a single instance of the inadequacy of current decision making. What proposals are being blocked by the existing mechanism?

Chris Huhne: I gave an example in my speech of proposals for guaranteeing minimum standards for defendants throughout the EU. It has proved extremely difficult to reach an agreement on that and there are many other examples. Agreement has not been reached, especially on some tax proposals, for years.

Mr. Heathcoat-Amory: The hon. Gentleman advances the remarkable proposition that, just because the Commission wants something, we should all agree to it. Of course, many Commissioners have many ambitions, but proposals must rightly undergo an exhaustive decision-making process in the Council of Ministers, the European Parliament and, occasionally, the European Council. Just because one proposal advanced by the hon. Gentleman is facing some difficulty, that does not make the case for switching to an entirely new set of rules that would profoundly alter the rights not only of Parliament but

of the people we represent, and in my view undermine our powers of self-government, which is the issue I want to talk about.

In the case of justice and home affairs, we are dealing with a core responsibility that, with tax, is one of the two big duties of the House in guarding the liberties of the people we represent and examining carefully the definitions of the crimes for which they could be convicted, the penalties that they could face or whether they can be tried twice for the same offence, whether they can be tried in their absence and whether they can be extradited to other countries and, if so, under what circumstances. Those issues are the subject of scores of criminal justice Bills that come before the House. I have lost count of the number of such Bills since 1997, but I am sure it is well over 20.

Mr. Garnier: There have been 35 Bills with the words "criminal justice" in them, but 64 Bills have emerged from the Home Office and the Ministry of Justice.

Mr. Heathcoat-Amory: Like all good lawyers, my hon. and learned Friend has his finger on the statistics. That is an enormous volume of legislation, and quite right, too. That is why we are sent here. However, we are being invited to export those decision-making powers to people for whom by and large we do not vote, whom we cannot remove and who are unknown to the people we represent.

Kelvin Hopkins: I am listening to the right hon. Gentleman with interest. The hon. Member for Eastleigh (Chris Huhne) used the term "we" and talked about the advantage to "us" in getting European instruments through. However, one of the reasons they have been held up is surely that they are unpopular with some people, including me. He suggested that we needed ways to make it easier for the Commission to get its way, even if those who are perhaps less enthusiastic about the European Union do not like it. The hon. Gentleman said that we — meaning himself and the Commission — wanted to get things through, but many of us might not like them.

Mr. Heathcoat-Amory: I entirely agree with the hon. Gentleman. The Commission has a monopoly of initiative in the field. It has always seemed strange to me that the Commission should be against most monopolies but in favour of that one. It wants to retain — indeed, under the treaty it has retained — the sole right to propose new laws. The Commission is unelected and usually comprises people who have been dis-elected—indeed, I can think of many Commissioners who lost their seats or resigned in murky and disagreeable circumstances. The system is almost anti-democratic. It is when future Commissioners are turned down by the electors in member states that they end up in that secret conclave of proto-legislators. I therefore object to the idea that we should defer to the judgments of a secretive body rather than to the people who are elected.

Chris Huhne: I am grateful to the right hon. Gentleman for giving way again; he is being very generous. However, he is incorrect in saying that the Commission has a monopoly of proposing legislation, particularly in the field of justice and home affairs, where it is currently up to any member state to propose legislation. As a result, there have been enormous numbers of proposals. The Lisbon treaty restricts that power to a group of member states, to make the effort a bit more manageable. The right hon. Gentleman's point is therefore a little unfair to the Commission.

Mr. Heathcoat-Amory: I concede to the hon. Gentleman that there are specific and comparatively minor provisions for member states to propose legislation. However, the great bulk of proposals that are grappled with weekly by the European Scrutiny Committee comprises those that are made by the Commission and which can be made only by the Commission. That also applies to any repeal. One of the reasons no legislation is ever repealed is that the Commission holds to the theory of the occupied field: once it has advanced into an area of policy, it is extremely reluctant to give up that occupation so it does not advance proposals for amendment or repeal of legislation, however out of date it may become.

Rob Marris: I am grateful to the right hon. Gentleman for giving way; he is indeed being very generous. The rights of individuals in criminal procedure and the rights of victims of crime will come from the European Parliament and the European Council, not the Commission. On the back of that, I quite understand the right hon. Gentleman's position on protecting the rights of individual British citizens — that is one of the major things we try to do in this Chamber — but as I said to the hon. Member for Beaconsfield (Mr. Grieve), the system is a two-way street. I wish to do my bit through the treaty to protect the rights of our citizens who may be living in Hungary, Germany or wherever else and who may need afforded to them the additional protection that the minimum standards in the treaty will make available. The issue is not only the rights of individuals in the criminal justice system in the United Kingdom, but the rights of UK citizens who may fall foul of criminal justice systems in other member states.

Mr. Heathcoat-Amory: No, I do not accept what the hon. Gentleman says. My responsibility, as an elected Member of Parliament, is to look after the people I represent in my constituency. They know me, they have access to me and they either vote for me or reject me at elections. That is what they look to in a representative Chamber, but in no way do they regard the European Parliament in the same way.

Mrs. Dunwoody: Briefly, is it not a fact that if the Commission wanted to abandon any of the more bizarre proposals that have come from its imagination, it could not do so? Unlike under the British arrangements, there is no piece of machinery to enable the Commission to abandon a directive or a regulation. Indeed, many pieces of proposed legislation still on its list of programming are there simply because it does not know how to get rid of them.

Mr. Heathcoat-Amory: The hon. Lady is entirely right. Indeed, I have formally asked to be told the extent of the acquis communautaire—the accumulated body of laws and regulations to which we are subject—but nobody can tell me what it is. It is said by those who have tried to study it that it now runs to 170,000 pages, which no human being can comprehend. The acquis

[Mr. Heathcoat-Amory]

communautaire is largely beyond the reach of any democratic institution, because there is never any appetite in the European Union to withdraw, owing to the doctrine of the occupied field. Even the European Parliament is essentially powerless, and the Council of Ministers certainly is, as has been pointed out.

Ms Hewitt: The right hon. Gentleman is being very generous. He is developing an argument, as did his Front-Bench colleagues, against the idea of legally binding minimum standards that result from co-operation between member states and with the European institutions, particularly in the protection of criminal suspects. However, does he not accept that we have been doing that for years through a different institution, namely the European convention on human rights and the European Court of Human Rights, which have long had the power and responsibility in that area? Indeed, in many cases the Court had to hear cases from the United Kingdom because they were not directly judiciable in the British courts. That system has set minimum standards across all the convention's signatory countries, rather than reducing them as his Front-Bench colleagues seemed to fear, thereby helping to protect and in many cases improve them for his and my constituents?

Mr. Heathcoat-Amory: The right hon. Lady is overlooking the fact that we are talking not simply about this country adhering to a set of standards enacted or enumerated in a convention, but about transferring our powers to a law-making body. That is what makes the European Union different. It is not like NATO or the United Nations; it is a dynamic, law-making institution with an activist Court. When we export our powers, as we are being invited to, the process is to all intents and purposes irrevocable and will therefore bind future Parliaments.

Mr. Graham Brady (Altrincham and Sale, West) (Con): Does my right hon. Friend agree that it is rather strange that a Government who have fought so hard to bring in a 90-day period of detention without charge should be so keen apparently to give away powers to set minimum standards for the treatment of suspects?

Mr. Heathcoat-Amory: I am glad that I gave way to my hon. Friend; he has made a devastating point. If I have time later, I want to give the House an instance relating to immigration and asylum in which the Government are in dispute with a European law that they have signed up to and cannot now get out of. They ought to be extremely cautious about their existing responsibilities, and still more so about those that we are now being invited to sign up to.

We are talking here about the coercive power of the state, and the power to define punishments and to set the rights of the accused and of victims. It has always been regarded as particularly important to subject those powers to the highest standards of accountability and control. People obey the law because, ultimately, they obey their own laws. In an earlier intervention, the use of the pronouns "we" and "us" was mentioned. It is when laws become "their" laws—someone else's laws, imposed laws from another jurisdiction—that people feel less inhibited about disobeying them.

Chris Huhne: Will the right hon. Gentleman give way?

Mr. Heathcoat-Amory: I will give way to the hon. Gentleman. He is very charming.

Chris Huhne: I am grateful to the right hon. Gentleman for giving way again; he has been very generous. He was talking about where these laws come from, and about irrevocability. I have debated these matters with people of his persuasion over many years, and the point was often made that we could not leave the European Union, that our membership was irrevocable, that we had been locked in and that the key had been thrown away. That has always been nonsense. As we know, Greenland left the European Union. Will he concede that, in this treaty, for the very first time, there is a clear article admitting of the possibility of any member state seceding at any point? To talk about irrevocability is therefore, frankly, nonsense.

Mr. Heathcoat-Amory: That is the feeblest argument of all. We are talking about a new treaty with awesome powers, yet the only argument that the hon. Gentleman can advance is that we could eventually leave the European Union. I want to create the right relationship between this country and our continental neighbours. The treaty will create the wrong one.

I want quickly to move on to asylum and immigration. These, too, are matters of intense public interest. Only this week, the case of the murdered schoolmaster, Philip Lawrence, was resurrected. He was attacked and murdered by Mr. Chindamo, yet the conclusion of the High Court is that Mr. Chindamo cannot be extradited, not because of the merits of the case itself but because of the provisions of the EU free movement directive. What is particularly bizarre about this is that, in May 2006, the previous Prime Minister said in this Chamber:

"it is now time that anybody who is convicted of an imprisonable offence and who is a foreign national is deported." [*Official Report*, 3 May 2006; Vol. 445, c. 960.]

He made that remark three days after the House had passed European economic area immigration regulations that specifically prevented the deportation of criminals to the EEA, so even the Government did not know what they were doing. They signed up to regulations that prevented the Prime Minister from doing something that, only days later, he promised to do. That illustrates the muddle that we have got into with the European Union. The Government do not even know what obligations they are subject to. This issue will be affected enormously by the treaty. The problem that I have just described arose under the existing treaty powers, but the provisions in the Lisbon treaty go much further.

I believe that this will breed extremism. When incoming Governments—or even existing Governments who change their mind—cannot do anything, people outside the House say, "They're all in it together. Democracy is a sham. We vote for one lot and their promises, but it won't make any difference. They might take office, but they can't change anything. All the powers have been given away. The best we can hope for is that a slightly different lot of Members of the European Parliament will join a slightly different group in the Parliament and maybe at some future date the Commission might, in its wisdom, propose slight changes to the criminal justice

regulations. And maybe the new majority in the European Parliament, which we only control a fraction of, will agree with the way I've voted." That stretches democracy to breaking point.

The essential fallacy in this debate is that international co-operation depends on centralisation and common law-making. It does not. This country has had centuries of international co-operation. We belong to more international bodies than practically any other country. We sign up to conventions, we make alliances and we have bilateral agreements all over the world. The idea that, in order to tackle such common problems as crime, terrorism and child trafficking, we need permanently to export our powers from an accountable, democratic Chamber such as this to people we do not know and cannot remove is not just a fallacy but an abomination.

I know that we are running out of time in this debate, and that we are going into Committee shortly, which might enable me to make a number of other points. Let me therefore end by saying that this subject is of core importance, and it is a great shame that we have only one day to discuss it. We are eliding the whole question of criminal justice and immigration, and I have not even mentioned police powers. The House should think carefully before endorsing a system of decision making that it might long regret. By any standards, these measures will involve a change of authority, but these powers ultimately belong not to this Chamber but to the people we represent.

If there were a dispute over the validity of our red lines, or over the assurances that we have been getting from those on the Treasury Bench, the final arbiter would not be a court here or a Parliament that we elect but the European Court of Justice. The ECJ is not an impartial judge in these matters. It is enjoined under the new treaty, in new article 9, to practise "mutual sincere cooperation". If we were challenged on the powers or the validity of our red lines by the Commission, the Court that would decide the matter would be told to co-operate not with us but with the European Commission.

That is almost the most worrying aspect of the whole thing. We are accepting—or, in my case, not accepting—the assurances that we get from those on the Treasury Bench about their red lines, but those who will decide any disputes will not be on the Treasury Bench or even in this House. They will be in a judicial body in another country, answerable to another body of law and mandated to practise "mutual sincere cooperation" with our legal opponents.

I hope that I have said enough to illustrate my strong support for my hon. Friend the Member for Beaconsfield (Mr. Grieve), and I shall certainly be voting for our amendment this evening.

6.39 pm

Mr. John Gummer (Suffolk, Coastal) (Con): I am concerned to find myself supporting some of what the Government have said, because their record on criminal justice is appalling. On almost every occasion when we have debated such issues I have found myself voting on the liberal side—I do not mean Liberal Democrat, of course, as there is little as illiberal as the Liberal Democrats—to bring to the Government's notice the serious damage they are doing to the freedoms of the British people. In worrying about our freedoms, I reflect on how the Labour Government have damaged us in the criminal justice Bills that they have introduced.

Crime, immigration and many other issues that we have spoken about today can no longer be dealt with as they have been hitherto. I say to my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) that we need a new mechanism to guard the liberties of the people we represent. It is not just that I have an interest in what happens to my constituents as they travel so much more regularly today in the rest of the European Union; and it is not just that I want minimum standards, should my constituents be arrested for traffic or any other offences when they are driving in Slovenia, Slovakia, Vienna or elsewhere. Those reasons are important, yes, but my constituents are threatened by international crime, human trafficking, drug trafficking and other actions that cannot satisfactorily be dealt with under present arrangements.

Let me draw the House's attention to one of the saddest moments in British history. The League of Nations agreed that all nations should accept a minimum enforceable standard. The incoming Government said, "Yes, that is a wonderful idea, but of course it should not apply in Britain because we are so good that we do not need the regulations." It seemed that the then Government could not understand that if they wanted others to reach similar standards, they had to accept the same restrictions as applied to others.

I find it very difficult to accept the argument that because something is new, it must be wrong, and that even though circumstances have changed, we do not need to alter our present arrangements—*[Interruption.]* Yes, we are all for co-operation—as long as it does not reach the point where we commit ourselves to act together on issues in respect of which, without that commitment, we cannot act effectively.

Mr. Grieve *rose—*

Mr. Gummer: If I fail to give way to my hon. Friend, it is only because I have been admonished about the time I have available, but I will answer some of the points he raised.

The truth is, of course, that we have to learn this the hard way. I negotiated in the European Union probably for longer than any other Minister—certainly almost as long because of my long involvement with agriculture and the environment, both of which were greatly subject to decisions in the EU. I have to say that I always found it harder to get one's way when debating and negotiating under the veto than when one was negotiating in circumstances where everyone else knew that if they steamrollered you, you could do the same to them. Indeed, the collegiate and consensual nature of the EU was such that I can honestly say that on no occasion during all those years of negotiations did Britain fail to secure what was in its national interest. Of course it meant hard work; of course it meant getting on with one's neighbours; of course it needed give and take—but in the end, if our country and the others knew what was essential for their national interests, it was possible to achieve it. I do not therefore have the worries that my right hon. Friend the Member for Wells seems to have. I do not have them because I believe that this treaty is a necessary step to enable me better to guard the liberties of the people I represent.

[Mr. Gummer]

It is necessary to remind ourselves that modern transport, the ability to move money across exchanges, and our present circumstances, in which even the poorest can get on an aeroplane as long as they can pay the tax and fly throughout Europe, represent major changes. These are very different times from when people moved about much less freely, so we need to find a system that works more effectively and meets current circumstances.

Here I am critical of the Government, because I am not at all sure that they negotiated these matters properly, partly because they asked for things that they did not need and did so in a rather hectoring manner. I can think of other Prime Ministers who adopted the same strategy and I am not sure that they always got as much as they could have got if they had behaved differently. Indeed, we have secured opt-outs on some matters, but we might have been able to influence them better if we had not chosen that route. That is what concerns me when I hear the opposition to the proposals before us.

We need these changes to defend our citizens, but others also need the changes to defend their citizens. I find it difficult to accept that the British are always in the right. Let me give the House a simple example. We have resisted the right of European fisheries inspectors to inspect without notice, which has made it almost impossible for them to do their job. It would be hugely to the advantage of many nations if careful consideration of the activities of the Spanish—and, I fear, some of the British—fleets were available so that we could start a sensible fisheries policy. There is nothing wrong with a common fisheries policy; it is just that the policy is wrong. We have never really been able to achieve sufficient commonness to be able to have a policy that would enable us to deal with conservation. The same applies here.

Let me deal with what my hon. Friend the Member for Hertsmere (Mr. Clappison) said about what he calls the penalty. The European Union needs Britain to achieve sensible decisions that benefit the whole of the EU, so if our failure to join our neighbours sensibly proves to be a direct cost to them, and if we make it expensive for them because we render inoperative that which was to the benefit of the whole community, it is a price that we may well feel we should pay, yet it is not a fine or a penalty but a cost. Either it is paid by those who have not incurred it or it is paid by those who decide that it should be incurred. I hope that we will not be in that position, but I do not find it unreasonable for others to ask us to agree to such a position.

Mr. Clappison: My right hon. Friend is making a most convincing speech, apart perhaps from his last point. On the basis of his careful study of the operation of the penalty clause, will he remind the House who exactly decides whether and how much this country would face in penalties for making these provisions inoperable and what part this country would play in those decisions?

Mr. Gummer: If it is we who do not enable a particular provision to be operable, those who wish to operate it do indeed make that decision, but I do not find that too upsetting. I have no doubt that we would make the best case that we could. I must say to my hon. Friend, however, that when one is a member of an organisation this is one of the responsibilities that one takes on. What the treaty of Lisbon seeks to do is enable the peoples of Europe, and the countries of Europe, to proceed effectively on the new terms on which we must work.

Ms Gisela Stuart: Will the right hon. Gentleman give way?

Mr. Gummer: I will proceed with my speech, if I may.

Of course, the difficulty for us is that we would like to live in the circumstances that my right hon. Friend the Member for Wells described. It might be more comfortable for us to operate as if the interests of our constituents were confined to these shores and their needs were not impeded by people outside. I should be happier, too, if we had a better record ourselves. When I was lucky enough to be in Austria over the weekend, it was clear to me that the Austrian Home Secretary would not need to say that he could walk in the streets of Vienna safely, and I think that many countries in the rest of Europe would be able to uphold a position in relation to the law that would be envied in this country. So do not let us think that it is all about them learning from us; this is a community in which, together, we can learn from each other.

The deal must be that if we want the ability to control our own future, we must recognise that that control is often impossible unless it is exercised in common with our neighbours. That is true in the context of the environment: given that 50 per cent. of our air pollution comes from the rest of Europe and we export 50 per cent. of the pollution that we create to the rest of Europe, we cannot tackle air pollution unless we tackle it together. Similarly, international trafficking and international crime cannot be tackled unless we tackle them together.

It has been said that although we must do these things together, we should co-operate rather than having binding arrangements. All I can say is that co-operation does not deliver when things get tough. The point of binding regulation—or binding agreements—is exactly as my right hon. Friend says: at the moment when we need it, we can rely on it. We want and expect that in our relationship with our neighbours, but the deal must be that if we expect it from them, we must give it in return.

My hon. Friend the Member for Stone (Mr. Cash) said that this was all about Europe, and asked why we should not extend it wider still and wider. I have to say that if we cannot manage it with our nearest neighbours—the people with whom we share culture, religion, history and a range of other things—the possibility that we could manage it with Togo or Cameroon seems pretty distant to me. We cannot even manage it with the United States. The appalling agreement on extradition into which this Government entered is one of the scandals of which they should be ashamed. The fact that they could sign up to the Fylingdales arrangement on defence supposedly against Iran—

Madam Deputy Speaker (Sylvia Heal): Order. I think that the right hon. Gentleman is getting a little carried away, and going wide of the mark.

Mr. Gummer: You are quite right, Madam Deputy Speaker.

The fact that all that may be true does not mean that we should not return to the realities of life: that we are part of Europe, that we become more part of Europe as travel becomes so much easier and communication so much simpler, and that we must therefore make the best of it. When our constituents—the people who voted for us—tell us that their daughter has been arrested in another part of the European Union, what will they say? They will say "We are all in the European Union together; what are you doing about it?" Unless we have these changes, my answer will have to be "Well, we have not got around to that yet."

There are those who say that this is merely an economic agreement. I have heard that a bit today. But as a business man—and I have declared all my interests in the register—I know perfectly well that law is crucial to my ability to carry on a business in the European Union. The hon. Member for Wolverhampton, South-West (Rob Marris) was right to stress that that is a huge advance.

It has been said that this discussion will reveal division on this side of the House. Given the division on the other side, that merely shows that there is real ground for argument, which is why the Government should stand condemned for not allowing enough time for our debates. Within that argument, however, I beg all on both sides who are doubtful not to set the immediacies of narrow legal points against the reality that our citizens, our electors, need the protection that the treaty of Lisbon will give them. Without that protection they will be denied the kind of legal structure that fits the days in which we live, and has moved us on from the days of the carriage and the penny post.

6.55 pm

Mr. William Cash (Stone) (Con): I simply want to say that I certainly do not agree with the policy set out in the motion, and I do not believe that it should be implemented in United Kingdom law.

6.56 pm

Mr. James Clappison (Hertsmere) (Con): It is a pleasure to follow my hon. Friend the Member for Stone (Mr. Cash), my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer), the Chairman of the European Scrutiny Committee—the hon. Member for Linlithgow and East Falkirk (Michael Connarty)—and, indeed, the Chairman of the Home Affairs Committee, the right hon. Member for Leicester, East (Keith Vaz), who very fairly quoted from the Committee's work. He did not, however, quote from its conclusion:

> "We recommend that the UK Government should make clear to its EU partners that at present the case for moving criminal law matters from the third pillar has not been made. There is room for debate as to whether, in the future, it may be in the UK's interests to accept such a change. Members of our Committee hold different views as to whether it might ever be acceptable to agree to this. It is indisputable that such a change would be of great significance. The UK Government should not agree to any such proposal without full and specific parliamentary consideration of the issue."

The present Chairman does a very good job, but he was not a member of the Committee at the time. As someone who was, I find myself in the happy position of being able to agree with myself.

6.57 pm

Mr. Edward Garnier (Harborough) (Con): For me, the debate has been a rather nostalgic affair. I made my maiden speech in 1992, during the Committee stage of the Maastricht Bill, at about 1 am. I think that the House was rather emptier than it is at present.

I find it interesting that the arguments of those who supported the Government then were very similar to the arguments of those who support the Government tonight, while the arguments of those who supported the Opposition were similar, if not identical, to the arguments of those who support them tonight.

Rob Marris: How did you vote then?

Mr. Garnier: The hon. Gentleman has asked a very acute question, to which I am sure he knows the answer.

In the few moments left to me to sum up a truncated but, in my opinion, orderly and fascinating debate, I want to pull together some of the themes that featured in it. I am afraid that I shall not be able to pay the tribute that, had time allowed, I should have paid to the Home Secretary's speech. It deserved rather more analysis than I have time to give it, and even, perhaps, more than the House is prepared to hear.

What I will do is congratulate my hon. Friend the Member for Beaconsfield (Mr. Grieve) on doing what the Home Secretary was either unwilling to do or incapable of doing: analysing the issues with which we must deal this evening and during the remaining days of the Bill's Committee stage. Let me say in parenthesis that it is perhaps a surprise, and yet no surprise, that the Lord Chancellor has awarded silk to my hon. Friend. Although he will not take up the initials until March, his approach to the debate demonstrated why the award is so suitable, and why we all share in the delight at his success.

As I said, I do not have time to analyse the Home Secretary's speech and, unfortunately, nor do I have time to deal in depth with the speeches of the hon. Member for Eastleigh (Chris Huhne), of the right hon. Member for Leicester, East (Keith Vaz), who is Chairman of the Home Affairs Committee, and of many other Members. However, I should pause to congratulate my hon. Friend the Member for Stone (Mr. Cash). He spoke on most nights during the Maastricht debate, although at rather greater length than he spoke tonight, but he was every bit as clear in his one-sentence contribution to today's debate as he was in his longer speeches on previous occasions. I also congratulate the hon. Member for Linlithgow and East Falkirk (Michael Connarty) on his European Scrutiny Committee's work on the Lisbon treaty and associated matters and on his speech this evening, which was a model of a Select Committee Chairman's speech on such an occasion.

There has been a parallel debate during our discussions. We all agree that good things can be achieved by international co-operation, but we differ on how to achieve those worthy aims. Some Liberal Democrats and the former Minister for Europe, the right hon. Member for Ashfield (Mr. Hoon), and some of his Labour colleagues, believe that they should be achieved through greater co-operation within the structures of the EU. Many Conservative Members—I think particularly

[Mr. Garnier]

of my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory)—believe that that co-operation should be achieved, if not more bilaterally, then at least with greater retention of independent power in Parliament, because otherwise what is the point of us? There is a perfectly legitimate distinction between the two philosophical standpoints, and I do not impugn the motives of the Government and nor do I claim that we have right entirely on our side, but I do say that the issues involved are of sufficient seriousness that we should have much longer to debate them. One of the problems we will face as we advance through our current proceedings is a growing perception of democratic irrelevance. It is all very well for the Home Secretary and her colleagues in the Government to return from Lisbon or whichever international conference they have attended and say that they have achieved something or other, but if the British public feel that they have played no part in that—if they feel that they have no leverage on the decisions taken on their behalf—their dissatisfaction with what has been achieved, whether for good or ill, will grow.

It was said in the weekend papers that this Government are now beyond satire; I suggest that they are also beyond parody, but they are not beyond the reach—or the contempt—of the British people, so I urge them to think extremely carefully before they push the British public further than they are prepared to go. It seems that what according to the Government is good for us is what we will get, and an element of condescension enters into Ministers' thoughts as they present to Parliament and the public what they believe is good for us.

What the Government believe is good for the public is the wholesale transfer of the third pillar aspects of home affairs and justice into pillar one. Issues such as drug trafficking, terrorism and serious and organised crime, and Europol and Eurojust, which are currently subject to the third pillar so that decisions on them require unanimity among member states, will be elided into pillar one. As a result, national sovereignty and parliamentary scrutiny will increasingly be eroded.

The 27 November 2007 report of the Committee of the hon. Member for Linlithgow and East Falkirk said it was concerned about the effectiveness of the UK opt-in arrangement on first pillar matters. The report noted that while it was clear that the UK was free to decide whether to opt in, it was less clear whether the UK had a right to opt out of a proposal should negotiations produce an unacceptable text. We have not yet received a decent answer to that troubling question. It is a key question, but the Home Secretary did not find time to grapple with it this evening.

The reform treaty will move the remainder of the third pillar—police and judicial co-operation in criminal matters—to the first pillar with the consequence that qualified majority voting and co-decision will apply as the general rule to justice and home affairs. Legal migration policy will no longer be agreed via unanimity, but will be subject to QMV and what is nowadays called the ordinary legislative procedure—the new name for co-decision within the European Parliament. When matters move from the third to the first pillar, the powers of the Commission and the European Court of Justice are considerably increased. My hon. Friend the Member for Beaconsfield rightly alighted upon that, as did other Members.

The public prosecutor, Eurojust, Europol and minimum standards in criminal proceedings might all be good things in themselves, but the process, the mechanism and the accountability system is as vital as the end result. Let us consider the safeguards that the Government have promised us: the emergency braking system. As far as I remember, emergency braking is applied during times of panic and is likely to lead to skidding and, beyond that, possibly fatalities. The reform treaty produces the alleged safeguard of the opt-in arrangements, which are available to us. The transitional provisions will be of deep concern to our public, yet the Government seem to be utterly reckless of—to disregard totally—the legitimate worries we express this evening.

My time is up. The British public will, however, probably have a further 18 months or two years to reach the conclusion that I have already arrived at as to the worthiness of this Government to continue in office. If they needed any further evidence about their unsuitability for government, tonight is the night that they will have found it.

7.8 pm

The Minister for Europe (Mr. Jim Murphy): I am delighted to have the opportunity to respond to the debate, which has been interesting and wide ranging. My right hon. Friend the Member for Leicester, East (Keith Vaz) asked several specific points, particularly in his role as Chairman of the Home Affairs Committee. I confirm to him that we believe that the current arrangements in respect of Frontex will continue as part of the Lisbon treaty and that the June timetable for Europol is appropriate and is still on track.

The hon. Member for Eastleigh (Chris Huhne) made his maiden contribution in his new role; we are all delighted to see him in that post, and his speech was thoughtful and well considered. He asked a number of specific points that I am sure we will continue to discuss throughout the progress of the Bill. He asked about parliamentary scrutiny: we believe that that is essential in respect of this matter and the wider European agenda, which is why clauses 5 and 6, which are not of themselves necessary to ratify the treaty, have been included in the Bill to ensure that there is a stronger power for Parliament to consider and ratify various moves across the EU. They are in place to enshrine the power of Parliament. I also note that the Leader of the House has announced 7 February as the day on which we will have the opportunity to consider motions reforming scrutiny of EU legislation, and this issue will be discussed then. I know that he is deeply involved in those conversations with his hon. Friends.

We also heard an interesting contribution from my hon. Friend the Member for Linlithgow and East Falkirk (Michael Connarty), the Chairman of the European Scrutiny Committee. He talked in great detail and enormous knowledge about the specifics in the treaty and the Bill. A brief contribution was made by the hon. Member for Stone (Mr. Cash)—perhaps mercifully. We also heard from the right hon. Member for Wells (Mr. Heathcoat-Amory), the hon. Member for Hertsmere (Mr. Clappison) and the right hon. Member for Suffolk, Coastal

(Mr. Gummer). Telling and regular interventions were made by my hon. Friend the Member for Wolverhampton, South-West (Rob Marris). We are all delighted that he takes such a close interest in this process, and in all the other processes and procedures of the House. My right hon. Friend the Member for Leicester, West (Ms Hewitt) has been in her place throughout the debate. She made a number of telling and entirely appropriate observations and criticisms of the Opposition's approach to the Bill.

A relatively brief contribution was made by the hon. and learned Member for Harborough (Mr. Garnier), who retains the status of being in a minority on the Opposition Front-Bench team as a pro-European Conservative. He spoke with fond memories of his debut, and maiden speech, during the Maastricht debate. In his role then, he was obviously a member of the Conservative Group for Europe. I do not know whether he still is a member of the CGE—*[Interruption.]* It is dangerous to disagree with a sedentary intervention from my Chief Whip, but it has not been abolished. More tellingly, it has actually joined the Coalition for the Reform Treaty.

We are living in a world where EU co-operation is key to seizing the opportunities, and tackling the threats, of globalisation. On Second Reading, I spoke of the opportunities of globalisation, but, as hon. Members have mentioned, there is also a darker side of globalisation: crime, terrorism, human trafficking, drug smuggling and fraud. The list goes on, and hon. Members have referred to it.

Although citizens can reap the benefits of globalisation, terrorists and organised criminal gangs are also exploiting its tools to carry out ever more lethal operations. The internet is transforming lives for the better, but it is also a recruiting ground for terrorists and a hiding place for child sex offenders. Global financial markets and the free flow of capital are, of course, vital to increasing prosperity, but finance is also at the heart of terrorism and crime. That point was made by the right hon. Member for Suffolk, Coastal. Terrorists and criminals can exploit the global financial system to move money more easily and hide funds in phoney assets.

The Government fundamentally respect national boundaries and borders, but it is clear that criminals and terrorists do not. That is why EU co-operation at this level is so vital. It is only by working with our European partners that we can better combat organised crime, terrorism and illegal immigration, that we can bring criminals to justice and that we can ensure rights and legal certainty for all EU citizens. The European arrest warrant helps in that regard. Exchanging criminal records, which is a new measure, will help to ensure that offenders are not given unduly lenient sentences because the courts did not know of a previous conviction. EU co-operation through Eurojust and Europol is helping to break online child sex abuse networks and human trafficking rings, as my hon. Friend the Member for Linlithgow and East Falkirk said.

Of course, the Opposition see this new framework of action and co-operation as a threat. We see the EU as a way to make Britain stronger and more secure. A lack of co-ordinated action is the threat to the United Kingdom, rather than some phoney threat resulting from a belief in a conspiracy to destroy the nation state—an argument that exercised many Conservative Members.

The UK has always been clear that EU co-operation must be in our national interest. That is why in each and every instance—on new proposals on JHA, on amending measures, on transitional measures and on Schengen-building measures—we negotiated the relevant opt-out and opt-in, and we did so in our national interest. We have ensured the right to choose across the board whether to participate in this co-operation. The Home Secretary has alluded to the fact that the Lisbon treaty is the next step in JHA—the Foreign Secretary has also spoken about that. By moving to a system where qualified majority voting and co-decision are the norm, the treaty will unblock decision making, which is crucial.

Opposition Members claimed that the Bill and this treaty will create a Napoleonic legal system in the UK. That is surely a new entry in the hierarchy of hysteria in Conservative Euroscepticism, because the treaty does nothing of the sort. The Conservative approach would not only prevent the ratification of the treaty; it would make it impossible in principle to participate in any of the 82 measures in pillar three post-ratification. Those matters include the following: combating serious crime; the European arrest warrant; action on racism and xenophobia; combating terrorism; and combating the sexual exploitation of children and child pornography.

These minimum penalties and minimum standards are in our national interest, and the Conservatives' approach this evening has been a triumph of the ideology of isolationism over what is in our national interests. I commend the Government motion to the House.

Question put, That the amendment be made:—

The House divided: Ayes 167, Noes 360.

Division No. 058] **[7.16 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davidson, Mr. Ian
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Drew, Mr. David
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Dunwoody, Mrs. Gwyneth
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward

Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Gove, Michael
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Hopkins, Kelvin
Horam, Mr. John
Howard, rh Mr. Michael
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall, Mr. David
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Mitchell, Mr. Andrew
Mitchell, Mr. Austin
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Mr. Laurence
Rosindell, Andrew
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Ms Gisela
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Dr. Richard
Tredinnick, David
Turner, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Peter
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mrs. Betty
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Young, rh Sir George

Tellers for the Ayes:
Michael Fabricant and Jeremy Wright

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bruce, rh Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Burstow, Mr. Paul
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davey, Mr. Edward
David, Mr. Wayne
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Farron, Tim
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
George, Andrew
George, rh Mr. Bruce
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Holmes, Paul
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon

Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jenkins, Mr. Brian
Johnson, rh Alan
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacNeil, Mr. Angus
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stunell, Andrew
Tami, Mark
Taylor, Ms Dari
Taylor, David
Teather, Sarah
Thomas, Mr. Gareth
Thornberry, Emily
Thurso, John
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Vaz, rh Keith
Vis, Dr. Rudi
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wishart, Pete
Wood, Mike
Woodward, rh Mr. Shaun
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Noes:
Ms Diana R. Johnson and Siobhain McDonagh

Question accordingly negatived.

It being more than three and a half hours after the commencement of proceedings on the motion, MADAM DEPUTY SPEAKER *put forthwith the Main Question, pursuant to Order [this day]:—*

The House divided: Ayes 360, Noes 167.

Division No. 59] **[7.32 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bruce, rh Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Burstow, Mr. Paul
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie

Cafon, Mr. Martin
Cawsey, Mr. Ian
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davey, Mr. Edward
David, Mr. Wayne
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Farron, Tim
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
George, Andrew
George, rh Mr. Bruce
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Holmes, Paul
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jenkins, Mr. Brian
Johnson, rh Alan
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacNeil, Mr. Angus
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGrady, Mr. Eddie
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Oiner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, Angus
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stunell, Andrew
Tami, Mark
Taylor, Ms Dari
Taylor, David
Teather, Sarah
Thomas, Mr. Gareth
Thurso, John
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Vaz, rh Keith
Vis, Dr. Rudi
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Williams, Mark

Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wishart, Pete
Wood, Mike
Woodward, rh Mr. Shaun
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Ayes:
Ms Diana R. Johnson and Siobhain McDonagh

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Drew, Mr. David
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Gove, Michael
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hancock, Mr. Mike
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Hopkins, Kelvin
Horam, Mr. John
Howard, rh Mr. Michael
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall, Mr. David
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Mitchell, Mr. Andrew
Mitchell, Mr. Austin
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Mr. Laurence
Rosindell, Andrew
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Ms Gisela
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Dr. Richard
Tredinnick, David
Turner, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Peter
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Young, rh Sir George

Tellers for the Noes:
Michael Fabricant and Jeremy Wright

Question accordingly agreed to.

Resolved,

That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning the following matters: fighting cross-border crime; justice; policing; human trafficking; and asylum and migration policy.

David Howarth (Cambridge) (LD): On a point of order, Madam Deputy Speaker. The Clerk is about to read the Orders of the Day, so that the House can go into Committee. The Standing Order that governs that procedure is Standing Order No. 66, which reads:

"Whenever an order of the day is read for the House to resolve itself into a committee on a bill... the House shall thereupon resolve itself into such committee, unless notice of an instruction to such committee has been given, when such instruction shall be first disposed of".

I have to inform the House that notice has been given of such an instruction, in the form of motion 42 on today's Order Paper, which says:

"That it be an Instruction to the Committee on the European Union (Amendment) Bill that it have power to make provision in the Bill for the holding of a referendum on the United Kingdom's continued membership of the European Union."

That is a matter of great importance to my right hon. and hon. Friends, because it clarifies whether, in Committee, we could introduce new clauses on a referendum on whether we should be in or out of the European Union, and not just new clauses on a referendum on the treaty of Lisbon. Standing Order No. 66 is, on the face of it, unequivocal. It gives no discretion. It says "shall", not "may". It does not—

Madam Deputy Speaker (Sylvia Heal): I remind the hon. Gentleman that it would be inappropriate for him to read out his remarks. His point has been made, as far as the Chair is concerned. I am grateful to him for giving notice of his point of order. I am certainly satisfied that the power given to the Speaker to select notices of instructions is unqualified. Mr. Speaker has

[Madam Deputy Speaker]

not selected the motion for debate. In any case, the House must proceed as directed by the order passed yesterday.

David Howarth: Further to that point of order, Madam Deputy Speaker. In light of that ruling, is it Mr. Speaker's position that the motion that stands in the name of my right hon. and hon. Friends would be selectable if it were put on the Order Paper tomorrow?

Madam Deputy Speaker: Order. May I remind the hon. Gentleman of the ruling that I just gave? Mr. Speaker's position is as I have just expressed it.

Simon Hughes (North Southwark and Bermondsey) (LD): On a point of order, Madam Deputy Speaker.

Madam Deputy Speaker: Order. If this is pursuant to the point of order already raised, I have nothing further to say. A ruling has been given. Is it a separate point of order?

Simon Hughes: It is a separate point of order in relation to yesterday's business and the business ahead for today. Yesterday, we voted to change our procedures, and that was done perfectly properly. Mr. Speaker selected some amendments and not others. Madam Deputy Speaker, will you tell the House whether the ruling that you just gave is a result of the decision that we took yesterday, or whether it is because of the Standing Orders, irrespective of yesterday?

Madam Deputy Speaker: The ruling that has been given is the one given on instructions by the Speaker. There is nothing further that I can add to that.

Orders of the Day

European Union (Amendment) Bill

(Clause 1, any selected amendments to Clause 2, relating to fighting cross-border crime; justice; policing; human trafficking and asylum and migration policy)

Considered in Committee.

[SYLVIA HEAL *in the Chair*]

Clause 1

THE TREATY OF LISBON

Question proposed, That the clause stand part of the Bill.

7.50 pm

The Minister for Europe (Mr. Jim Murphy): Clause 1 defines the treaty of Lisbon for the purposes of the Act. The definition of the treaty of Lisbon set out in clause 1 is the full title of the treaty agreed at the intergovernmental conference in Lisbon on 13 December 2007. That is the factual, legally correct definition of the treaty. Parliament must be absolutely clear about what treaty the Bill that it is asked to approve deals with.

Mr. William Cash (Stone) (Con): Will the Minister give way?

Mr. Murphy: Briefly.

Mr. Cash: Of course. The Minister may be right in saying that that is what the treaty states on the face of the Bill and on the face of the treaty. However, that is not what is being done. The treaty is not, as the Government keep saying, an amending treaty. It is a treaty which merges the existing treaties with amendments—significantly different, with huge implications for the way in which the European Union will be conducted in future.

Mr. Murphy: It is not my intention to engage in a detailed debate about the processes, the themes or the amendments. We shall have ample opportunity to discuss the amendments on subsequent clauses.

Clause 1 simply defines the Lisbon treaty. It is a question of factual accuracy, without which the Bill lacks legal certainty. We should be debating the substance of the treaty.

Mr. Mark Francois (Rayleigh) (Con): Because of the limited time that we have to deal with amendments to this important part of the treaty, I shall not dwell excessively on clause 1, not least because we argued in great detail on Second Reading why we believe that the treaty of Lisbon is, in effect, the EU constitution under another name. I shall not reprise that entire debate tonight, save to place on the record, beyond peradventure, our belief that the Lisbon treaty is the renamed EU constitution, and that the powers brought forward are effectively the same. We do not want to let clause 1 go without putting that on the record in *Hansard* tonight.

Mr. Cash: I repeat what I said in an intervention to the Minister. The new Union that is created by the merger that I described earlier will take over legal personality from the European Community, with very significant constitutional impact. This, therefore, is a fundamental change of the kind that fulfils the criteria for the Government to hold a referendum. That is all I need to say at this stage, but it is fundamental to the consideration of all that follows in these proceedings.

Mr. Bernard Jenkin (North Essex) (Con): The reason why the clause should not stand part is that the Government have so far failed to explain how the treaty differs in any particular in the effect that it will have, compared to the effect that the constitution would have had. Can the Minister give a single concrete example to show how the implementation of the Lisbon treaty will result in a different effect from that of the constitution?

Chris Huhne (Eastleigh) (LD): Following on from the remarks of the hon. Member for North Essex (Mr. Jenkin), it is clear from the previous debate that there are four distinct areas in which the Lisbon treaty is different from the constitutional treaty—for example, in the area of justice and home affairs—including in its effects. As we discussed in the debate, if we have an opt-in—

The First Deputy Chairman of Ways and Means (Sylvia Heal): Order. That is not the subject of the clause 1 stand part debate.

Question put and agreed to.

Clause 1 ordered to stand part of the Bill.

Clause 2

ADDITION TO LIST OF TREATIES

Mr. Francois: I beg to move amendment No. 214, page 1, line 12, after 'excluding', insert—

'(i) Article 1, paragraph 51, replacement Article 35 TEU, relating to jurisdiction of the European Court of Justice over police and judicial cooperation in criminal matters; and

(ii) '.

The First Deputy Chairman: With this it will be convenient to discuss the following: Amendment No. 132, page 1, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 63, replacement Title IV TEC (TFEU) relating to an area of freedom, security and justice; and

(ii) '.

Amendment No. 133, page 1, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 64, replacement Chapter 1 and Articles 61 to 61I TEC (TFEU), general provisions relating to an area of freedom, security and justice; and

(ii) '.

Amendment No. 207, page 1, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 64, inserted Article 61D TEC (TFEU), providing for a standing committee on internal security; and

(ii) '.

Amendment No. 208, page 1, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 64, inserted Article 61G TEC (TFEU), providing for measures to ensure administrative cooperation between national departments and the Commission in the area of freedom, security and justice; and

(ii) '.

Amendment No. 136, page 1, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 67, inserted Chapter 4 and Articles 69A to 69E TEC (TFEU) relating to judicial cooperation in criminal matters; and

(ii) '.

Amendment No. 8, page 1, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 67, inserted Article 69A, TEC (TFEU), relating to judicial cooperation in criminal matters; and

(ii) '.

Amendment No. 9, page 1, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 67, inserted Article 69B TEC (TFEU), relating to the definition of criminal offences and sanctions; and

(ii) '.

Amendment No. 212, page 1, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 67, inserted Article 69D TEC (TFEU), relating to Eurojust; and

(ii) '.

Amendment No. 10, page 1, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 67, inserted Article 69E TEC (TFEU), relating to the European Public Prosecutor's Office; and

(ii) '.

Amendment No. 213, page 1, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 68, inserted Article 69F TEC (TFEU), relating to police cooperation; and

(ii) '.

Amendment No. 137, page 1, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 68, inserted Chapter 5 and Articles 69F to 69H TEC (TFEU) relating to police cooperation; and

(ii) '.

Amendment No. 11, page 1, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 68, inserted Article 69G TEC (TFEU), relating to Europol; and

(ii) '.

Amendment No. 216, page 1, line 12, after 'excluding', insert—

'(i) Protocol on Transitional Provisions, Article 10, paragraphs 3, 4 and 5, relating to Acts of the Union in the field of police cooperation and judicial cooperation in criminal matters; and

(ii) '.

Amendment No. 26, page 1, line 13, after second 'to,' insert—

'(i) the area of freedom, security and justice; and

(ii) '.

New clause 4—*Protection of existing police and criminal justice obligations*—

'(1) Before the expiry of the transitional provision included in Article 10 of the Protocol on Transitional Provisions, the United Kingdom shall notify the Council that it does not accept the powers of the European Union institutions described in Article 10(1) of that Protocol over acts adopted before the entry into force of the Treaty of Lisbon.

[The First Deputy Chairman]

(2) In this section, "the Council" means that European Union institution founded on Article 16 of the Treaty on European Union.'.

New clause 7—*Disapplication of the legislative procedure in relation to justice and home affairs*—

'Notwithstanding any provision of the European Communities Act 1972, nothing in Articles 68 to 89 of the Treaty on the Functioning of the European Union shall be binding in any legal proceedings in the United Kingdom and shall not form part of the law applicable in any part of the United Kingdom.'

Mr. Francois: I do not intend to rehearse yesterday's arguments about the business motion, which the House debated in some detail. However, we acknowledge the Government's business motion today, which amended the proposed allocation of time from four and a half hours and one and a half hours to three and a half hours and two and a half hours. The Minister knows that we argued for at least three hours and three hours, but the today's motion was a move in the right direction, given the large number of amendments that we have only two and a half hours to debate.

I noticed earlier when we were debating the motion a number of Back Benchers who were keen to speak but who were barely able to contribute at all. I particularly noted that my hon. Friend the Member for Stone (Mr. Cash) spoke for 30 seconds, which I wish to nominate as the shortest ever speech in the House of Commons. I make the point to the Minister that a number of Back Benchers who are experts on the subject were not able to speak in the earlier debate. I hope that the Front-Bench speeches will be relatively brief, to allow the maximum number of Back-Bench contributions. I shall do my best to abide by that self-denying ordinance myself.

The effect of our amendment No. 214 would be to undo one of the most important and damaging changes contained in the Lisbon treaty, which is the EU constitution by another name. The current article 35 of the treaty on the European Union limits the jurisdiction of the European Court of Justice over the extremely sensitive area of criminal justice and co-operation on policing—all areas where the EU's powers are considerably extended by the treaty of Lisbon.

Until the time of the EU constitution, it was effectively a matter of cross-party consensus that it was vital that the powers of the European Court of Justice should be limited in that way. As Tony Blair said just before he became Prime Minister,

"we restate our agreement to justice and home affairs remaining outside Community competence"—[*Official Report*, 16 December 1996; Vol. 287, c. 617.]

That was for good reason. As the European Scrutiny Committee noted in its latest report,

"the powers of the . . . ECJ are considerably increased when matters move from the Third Pillar to the First . . . the ECJ acquires jurisdiction, both to entertain such infringement proceedings and to interpret measures adopted at Union level. In respect of the matters covered by such measures, and while Union membership subsists, the national courts and parliaments are no longer the ultimate source of law."

That is a profound change. Over time we would see current and future EU measures subject to interpretation by the European Court of Justice in this area. We believe that it would not be long before important parts of our criminal law were potentially superseded by a body of European law. Notwithstanding our opt-in, those familiar with the proposed measure in minimum standards in criminal proceedings will also be familiar with how initially attractive proposals can, with amendment in the negotiating process in the EU, become distinctly less attractive. They would be joined by extensive new legislation dealing with the fundamentals of our criminal justice system.

Mr. Humfrey Malins (Woking) (Con): I am following carefully my hon. Friend's remarks about changes in our criminal law system. Does he share my concern and the concern of many of our hon. Friends that the jury system, which has been so important to this country for so very long, will possibly be attacked and may eventually disappear, unless we are very careful?

Mr. Francois: I have heard that argument made in some quarters and I thank my hon. Friend for raising it. On this issue, the collapse of the third pillar into the first pillar is a matter of profound significance. I hope that if he is lucky enough to catch the Chairman's eye, my hon. Friend may develop that argument further, not least because we would like to hear the Minister's reply.

The areas within criminal procedure to which I was referring include victims' rights and the mutual admissibility of evidence. The Government put forward objections to the scope of those powers when they were first included in the EU constitution, but then dropped their objections with no explanation.

8 pm

Then there are the new EU legislative powers to make laws on the minimum definition of crimes and their penalties in eight areas: terrorism; trafficking in human beings and sexual exploitation of women and children; illicit drug trafficking; money laundering; corruption; counterfeiting of means of payment; computer crime; and organised crime. Again, the Government made reasoned objections to the list, but those were dropped without explanation.

Under the treaty, all those new areas of legislation would come under the jurisdiction of the European Court of Justice. That would bring to an end the intergovernmental nature, which we strongly support, of EU co-operation on the area. It would represent a major transfer of power to the EU and severely diminish Britain's control over its criminal justice system. That is specifically why we tabled the amendment, and I am delighted that it was selected to lead the group.

Mr. Peter Bone (Wellingborough) (Con): My hon. Friend referred to human trafficking. Is he aware that the Council of Europe and its 47 members govern the policy on human trafficking? I have just come from an all-party group meeting at which the chief executive of the immigration service said that he saw no advantage in the Lisbon treaty in respect of improving the human trafficking situation.

Mr. Francois: My hon. Friend has raised an important point. My understanding is that the convention against human trafficking is, as he says, a Council of Europe document, rather than an EU document per se. I also understand that the Government have not ratified that

convention. It seems odd that earlier, during the debate on the motion, the Home Secretary was praying that agreement in aid; on further examination, it turns out that the Government have not ratified it. That seems a curious way to make an argument and I shall be interested in what the Minister says about it when he responds to this debate.

I said that I would attempt to be brief, so I turn to some of the other amendments. Amendment No. 207 would remove the new committee on internal security, whose full scope is yet to be determined and which the non-governmental organisation Statewatch has described as an EU interior ministry. Perhaps the Minister will have a different view of the committee's role, but it would be helpful to hear from the Government what they believe the Committee is designed to do; its role is certainly not made clear in the text of the treaty. If the House is to assent to it tonight, we will want to know what we will be signing up to. Will the Minister explain exactly what the committee is designed to do? From the treaty text, that is not clear.

Amendment No. 208 would remove a provision that could leave Britain with worryingly little control over very sensitive information. It provides for administrative co-operation to be by qualified majority voting, but protects our rights with regard to sensitive data. Amendment No. 8 would remove the unnecessary and extensive new EU powers over some of the basics of our criminal justice system, such as criminal procedure, to which I referred earlier. I remind the House that the Government objected to the clause in its current form as unacceptable because, in the words of their counter-argument,

"the 'definition of the rights 'of individuals in criminal procedure' would cover almost any aspect of criminal procedure during an investigation, prosecution and conviction. It is essential that this article is restricted in scope and is made subject to unanimity."

That view was absolutely right; our amendment would give effect to Government policy as it stood only a few years ago, before the Government caved in on that important matter.

Amendment No. 9 deals with the extensive increase in the EU's ability to make laws on those other areas of criminal justice that were similarly unsuccessfully opposed by the Government during the negotiations. Amendment No. 212 would remove the extensive new powers given to Eurojust, in particular the right to initiate investigations—powers that the Government again strenuously opposed. Amendment No. 10 would remove the basis for a European public prosecutor—a provision that, again, the Government opposed absolutely. The Government amendment at the convention explained that:

"We are firmly opposed to establishing a European Public Prosecutor. Unanimity does not mean that this article can be accepted."

We agree: the article is unacceptable. Amendment No. 213 would remove the considerable extension of EU control over policing, including the right to legislate on common investigative techniques in relation to serious organised crime. Amendment No. 11 would remove the extension to Europol's powers; those extensions were opposed by the Government during the negotiations on the EU constitution, whose text is reproduced here.

Finally, amendment No. 216 would remove the extraordinary article in the protocols that lays this country open to what in effect is a fine if it decides that any provision to which we have signed up has become unacceptable when it has changed from an intergovernmental to a community measure.

The European Scrutiny Committee, whose Chairman made a thoughtful speech that will bear reading again by all Members of this House, has said that

"we do not understand why the UK did not interpret the red line on protection of the UK's position in a firmer form by insisting on a provision which would have preserved the effect of existing EU measures in relation to the UK...This would have ensured that the UK would keep what it now holds and would more effectively have protected the UK's interests. It would have been open to the UK to keep its existing EU measures in their present form indefinitely as an alternative to opting in to a measure which would be subject to the enforcement powers of the Commission and the jurisdiction of the ECJ."

We Conservatives share the European Scrutiny Committee's lack of comprehension on that matter—and it is a Labour-led Committee with a Labour Chairman. With the Committee, we note that Denmark's protocol is far superior to ours; that point was made by the Committee's Chairman. The protocol that applies to the United Kingdom is not as strong and does not give us the protection that we need. The Home Secretary talked about a negotiating triumph; why did we not negotiate or sign up to the Danish protocol? Her argument that we had enjoyed a triumph would still not carry, but at least there would be more meat behind it. In fact, the Government opposed 40 measures in this area at the convention, but they managed to get only two changed. We argued on 40, we changed two and we lost 38; I defy any Member of any party in this House to justify that as a negotiating triumph. What would we have called a loss?

All those areas, vital to our sovereignty and essential to democratic accountability, need to be debated this evening as best we can in the time that we have. The Government largely objected to them when they were first proposed; they were unnecessary and objectionable then and they are so now. No fact on the ground has changed. Our amendments would give effect to long-standing cross-party British policy upheld by the Government at the treaties of Amsterdam and Nice and for which they themselves argued in the European constitution. In a sense, we are trying with our amendments to put right the Government's mistakes. I commend them to the House.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): I want to make a few brief comments on the office of the European public prosecutor, to which amendment No. 10 relates. It is what singularly troubles me about the entire provisions.

It may be helpful to remind ourselves of the history of the institution's creation; it is one of the most contentious. In the very first draft of the original constitution, the office was not mentioned at all. It was then inserted with a clause saying that it could be introduced by unanimity in 10 years' time. A certain group of people, driven very much by political motives, needed to have it down as a marker. The political debate on the office was about whether it should have competence over serious crime that had a cross-border element on the one hand, or over serious or cross-border crime on the other.

We need to understand the politics. The UK Government have been consistently and deeply opposed to the office's creation. In the original document, the safeguard, which

[Ms Gisela Stuart]

the British Government thought sufficient, was unanimity. As I understand it—I will be happy to be corrected on this—the current provisions are much worse. It is not done on the basis of unanimity; it allows the arrangement to be created by a kind of enhanced co-operation. That means that just like the Prüm agreement, which allows for police co-operation, a small group, irrespective of the wishes of the majority, can set itself up and then turn to the others and say, "It's a fait accompli, it's here, it's no longer worth arguing about." My main reason for opposing most of the justice and home affairs provisions is not that they move out of the third pillar, but the existence of the possibility of the creation of this office, which has no other purpose than political.

Chris Huhne: Let me start with the point raised by the hon. Member for Birmingham, Edgbaston (Ms Stuart). Having looked at the efforts that the European Union has, over the years, put into trying to deal with fraud—particularly given the embarrassment of year in, year out failing to have its accounts signed off by the Court of Auditors—it seems to me that one very important role for the European public prosecutor is to be able to give some attention to those issues, which have not traditionally been attended to by national prosecutors because they have not been thought of sufficient importance. Until several of the member states see that it is crucial to provide adequate paperwork to the Commission, we will have the continued problem, now in its 13th year, of the Community's budget not being signed off as a true and proper—

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): I want to be clear about this. Is the hon. Gentleman suggesting that a prosecutor at European level should have the right to investigate over and above the authorities of the nation state—that as long as the issue is in some way loosely connected with European funds he or she should have the right to take precedence over the existing status of the nation state?

Chris Huhne: It is not a question of taking precedence but of doing something that is not being done. This is an elision that is very familiar to those of us who have dealt with Eurosceptic concerns over the years. We must not elide what is a capability and what then replaces something going on at the national level. The EU can have a competence, but that does not mean that it has an exclusive competence. The ability to investigate a fraud against the EU budget seems to be an important one which we know has not been followed through.

Mrs. Dunwoody: It is a very simple question. Is the hon. Gentleman saying that a European prosecutor would have the right to investigate European so-called frauds within the United Kingdom over and above the powers that are given to the United Kingdom Government? That is all I want to know. Is this role going to take precedence over the involvement of British Ministers?

Chris Huhne: I said very clearly that it is not a question of taking precedence over anything that is done by our authorities. The reality is that we are one of the member states that has pursued matters of fraud against the EU budget over the years, as we did, for example, in relation to some of the cross-border scams between Northern Ireland and the Republic of Ireland. It is a question whether there should be a capability to pursue fraud against the EU budget. The hon. Lady is attempting to have it both ways. It is of course possible to say, "Yes, this is outrageous—here is money that is being inadequately spent and inadequately monitored by the European Union" and then on the other hand to say, "No, we cannot have a means that will allow us to deal with it."

Mr. Dominic Grieve (Beaconsfield) (Con): The issue that the hon. Gentleman has not addressed concerns the source of justice within a nation state. Either justice is controlled through Parliament, through the office of the Attorney-General and the national courts, or there is a supranational power with power to intervene. That is precisely what he was describing, although he could not quite bring himself to admit it. I ask him to be clear about this, because what he is really talking about is a federal model with a federal prosecutor.

Chris Huhne: Absolutely not. There is a fundamental difference, which the hon. Gentleman does not seem to have taken on board. We are talking about a prosecutor, and a prosecutor is still somebody who has to make a case in a court, and that court would be a court of the member state. Therefore, all the normal judicial process that we would guarantee here in the UK would be present.

Mr. Grieve: Prosecutions in this country are brought by the Crown. Nobody else brings prosecutions. The Crown is the font of justice and brings prosecutions against individuals who transgress the law. The hon. Gentleman is talking about a supranational authority bringing prosecutions in our court. That is a seismic change in our constitutional arrangements, and I wish he would accept that and then argue it.

8.15 pm

Chris Huhne: I think the seismic change would be if there were any change in the arrangements for trying an offence. If there is a question of prosecuting an offence, that still goes before a jury and still goes through the normal process. That is absolutely fundamental.

Several hon. Members *rose*—

Chris Huhne: Having given way on several occasions, let me turn to amendment No. 214. Just like the hon. Member for Beaconsfield (Mr. Grieve) in the previous debate, the hon. Member for Rayleigh (Mr. Francois) completely failed to take on board exactly how these provisions would work. As they conceded, the UK can choose whether to opt in. The UK will clearly not opt in to measures that we would not want the European Court of Justice to opine on. That is a stronger position than the constitutional treaty provided for. If the UK does not want to be involved in a measure that the ECJ will have no jurisdiction over, we have a very clear option not to do that.

The second point, which the hon. Member for Rayleigh did not take on board at all, concerns what would happen if we made a mistake—as he would put it—and

elected to enter into this process, but then it somehow went wrong during the negotiations and when we found we no longer wanted to participate, given how the negotiations had gone. In the Lisbon treaty, we have very clearly, for the first time, the emergency brake procedure whereby the matter goes to the European Council. That is fundamental. Article 9B(4) says:

"Except where the Treaties provide otherwise, decisions of the European Council shall be taken by consensus."

Consensus means unanimity. [HON. MEMBERS: "It doesn't."] It does. There is an appeal process. If a member of the European Council declares that it is not in line with the negotiations—*[Interruption.]* I am sorry; this is very clear. If a member of the European Council says that it does not agree, it is not possible to proceed by consensus and under the treaty, for the first time, it is absolutely clear that that provision will then fall. There is a fall-back. It is not necessary to decide at the beginning of the negotiation process—one can go all the way through that process and then have the emergency brake and go to the European Council, where if there is no consensus—if, for example, the British Prime Minister says, "No, I'm sorry—I cannot accept this"—the matter does not proceed.

Mr. Bone: I must be misunderstanding the English language. Surely a consensus is the view of the great majority of people present, but it can exclude one person.

Chris Huhne *indicated dissent.*

Mr. Bone: Why not call it a veto then?

Chris Huhne: That is simply the way that it has always been described as regards the European Council. Let us remember that the European Council makes its appearance in these treaties for the first time: it has until now been an informal body. In effect—Conservative Members should take this on board—the treaty incorporates, for the first time, de Gaulle's empty chair policy and Luxembourg compromise in the body of European law; that is why we are happy to support it.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): That goes to the centre of much of our uncertainty and doubt. We have a language too. Consensus has one meaning, and unanimity has a distinctly different meaning. It may be that the hon. Gentleman's years of toil in the European Union and Brussels—

Philip Davies (Shipley) (Con): He went native.

Mr. Shepherd: It may be that those years so nativised the hon. Gentleman that he cannot see the distinction in our written forms between consensus and unanimity. We are talking about something now that is terribly important and sensitive in terms of our whole legal system. This is not about smearing words, or saying them. It is not about his personal interpretation—the interpretation will not be made by him, in the end, but by others and ultimately by a Court that will often be beyond our control. That is what is germane to this argument. It is too easy to trivialise it by trying to maintain the new definition for the English dictionary that he has conceived for the purpose of this debate.

Chris Huhne: I am grateful for that intervention, because the hon. Gentleman makes it clear that the provision is new and that it has not been in the treaties. Indeed, it was not in the constitutional treaty. It is a fundamental change between the constitutional treaty and the Lisbon treaty. His party has been attempting to say that there are no basic changes, but there are important safeguards that are key.

Mr. David Heathcoat-Amory (Wells) (Con): May I help the hon. Gentleman on the definition of the word "consensus"? At the conclusion of the Convention on the Future of Europe, which I and the hon. Member for Birmingham, Edgbaston (Ms Stuart) attended, the constitution was adopted by consensus—that was the phrase that was used—even though I and eight other members had tabled a minority report and explicitly rejected the constitution. Despite that fact, the constitution was presented to the European Council and adopted by the Council, again by consensus. I have no faith in European decision making. When it suits them, they turn opposition into consensus. That is an historical fact, not a speculation.

Chris Huhne: The right hon. Gentleman is well versed in these issues, but despite his point he does not yet have the same status as a Head of Government. Throughout the operation of the European Council, whenever it has made decisions by consensus they have involved the agreement of everybody. As the right hon. Gentleman will know, as a keen student of EU history, that began with General de Gaulle's empty chair policy and the famous Luxembourg compromise. That compromise, on the French part, determined the ability of one of the member states to ram on the brakes when it thought that a matter was of vital national interest and to say, "No, we will not allow that to go through." The fact that the provision has now been incorporated in the treaty goes directly back to the set of events that involved General de Gaulle and the empty chair policy. Given the history, I find it completely inconceivable—although it is totally in line with Conservative Members' usual attempts to build up paranoid ideas of what might happen—that the circumstances would develop in such a way.

We will oppose the amendments.

Mr. Francois: The hon. Gentleman's argument is not carrying the House with him. He might have been able to carry Liberal Back Benchers with him if a single one of them was here to debate fundamental changes to our legal system. Unfortunately, not many Liberals have turned up. In their absence, will the hon. Gentleman admit that even an opt-in emergency brake combination is weaker than a veto, because with a veto we can just say no?

Chris Huhne: The reality is that the provision is substantially stronger than what was proposed in the constitutional treaty. The hon. Gentleman has to accept that we have here a major change compared with the constitutional treaty. If he wants to play the numbers game, I am happy to count Back Benchers and the support provided for Front Benchers. I have been here throughout the day. There was a point at which there was such enthusiasm for the line that the Conservative Front Benchers were taking that there were precisely nine Conservative MPs in the Chamber.

[Chris Huhne]

If the hon. Gentleman thinks that he is somehow energising his Back Benchers, all I can say is, "Dream on!"

Ms Gisela Stuart: Will the hon. Gentleman give way?

Chris Huhne: No, I will not give way again. I end by repeating that we will not support the amendments.

Mrs. Dunwoody: I enjoyed the contribution of the hon. Member for Eastleigh (Chris Huhne). This Chamber lacks spontaneity, imagination and colour, and when we reach the point where we have fairy tales we should welcome them—so long as we are not making legislation.

The slight difficulty with the amendments is that they are central to what we are debating. They are not jokes; they are not an amusement and they are not just about the interpretation of the word "consensus". They represent a series of fundamental decisions on the future of justice in the United Kingdom. We ought to say to the Minister and to those who have followed the line that the changes are minor that it has taken us a long time to build a system of common law in this country. It is essential to our courts that the laws should be easily understood by the British people and by those who appear in the courts to defend and prosecute. People should understand the systems of appeal and the ways in which their rights can be protected if, for any reason, they are brought to court.

I believe that this evening we are talking about enormous changes, and we ought to be honest about that. We ought not to pretend to the British people that they are minor administrative measures or a minor reorganisation. What was the lovely word used by the hon. Member for Eastleigh? We ought not to pretend that the changes are an "elision"—what a wonderful word—off into some other side track. The changes are not that.

I am saddened that the Minister has not made it clear throughout the debate—he had the opportunity to do so early on—that having been defeated, the British Government chose to vote against the proposals. That seems simple. If they had put forward their objections and spelled them out sensibly and constructively, and had then been defeated by that consensus, they should have registered a vote to the effect that the reason they had taken such a line was that it was what was demanded by our Parliament and our system of justice. So far, I have not heard those arguments or any refutation.

I know that it will come as a surprise to the Minister, but I question what Opposition Members say. I question them as much as I question my Ministers. The arguments that have been put forward from across the House are about the future of our justice system. We are debating not administrative changes or a reorganisation of the Labour party into different wards, but the future of the rights of UK citizens. I happen to think that that is quite important. I demand of my Government, in simple terms, that they explain why, if the point was so fundamental when they first objected, it is not fundamental now. Is it sufficient to say, "I have been defeated"? I suppose that it shows a want of imagination if I say that I am frequently defeated in this Chamber, but that does not stop me. I believe that we have the right to know.

Chris Huhne: Will the hon. Lady give way?

Mrs. Dunwoody: I should be delighted, as the hon. Gentleman has been a real asset to the debate.

Chris Huhne: I am grateful to the hon. Lady. I agree that we are talking about the rights of British citizens. However, does she agree that those rights are just as important when citizens are outside the country as when they are here? After all, this House has voted in the past to go to war to defend the rights of British citizens abroad. We now have the ability, in part as a result of this treaty, to ensure that there are minimum legal standards for the three quarters of a million British citizens who live in the EU. Does she not agree that those people have rights as well?

Mrs. Dunwoody: I am convinced that the UK has the right to defend its citizens wherever they are. From the age of 16, I lived in perhaps eight or 10 different countries. I had no difficulty conforming with the laws of whichever society I was living in. If I contravened those laws, I expected to pay some penalty, but I also expected, if needs be, to be able to ask the UK Government to come to my defence. However, none of that gives me the right, in this House, to vote away the fundamental rights of the British people.

Mr. Shepherd: The hon. Lady has touched on something that all of us in the Chamber understand. The importance of our justice system is that everyone in this realm, this United Kingdom, who comes within its jurisdiction is, one way or another, able to grasp what the law is. We expect, through the aegis of this House of Commons, to be able to defend our historical and traditional rights under the common law. They go back nearly a thousand years, and they are essential to our very sense of liberty. That may not weigh so strongly with the near-leader of the Liberal Democrat, but it is profoundly important to me and my colleagues.

We understand our legal system and trial by jury, but they are not common to the whole of Europe. We are trying to understand why the Government are prepared for the possibility that the process of consensus will—or may, or could—cause the changes proposed in the treaty to come about. That is why these debates are important—as my honourable friend, the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), has said.

8.30pm

Mrs. Dunwoody: I am grateful to the hon. Gentleman. His commitment to the rights of UK citizens is clear in everything that he says. When we are elected to this House, we have one simple responsibility—to make the law. We try to do that as well as we can: when we make mistakes, we examine what went wrong; when we pass bad laws, we try to alter them. That is what we who are elected to this House do, and I do not accept even the concept that a supranational prosecutor can tell the UK Government that they have not prosecuted EC law sufficiently.

To me, that is simple effrontery. I sat in the European Parliament for year after year, and I never heard the Commission take the question of fraud seriously.

Chris Huhne: Will the hon. Lady give way?

Mrs. Dunwoody: No, I will not. If we seriously think that the proposals that we are considering will improve our system of justice, we are misleading ourselves but, more seriously, we are most certainly misleading the British people.

If the Government do not accept the amendments, we need to know why. Why did the Government not maintain their objections to the treaty? Why did they not vote against some of the proposals? Why did they not promote very clearly the benefits of a common law system, and make it clear that it cannot be married with the Napoleonic code without enormous damage being done to the fundamental rights of the British people?

If the Government cannot answer those questions, we should not let the legislation proceed.

Mr. Cash: Amendments Nos. 132, 133, 136 and 137 in this group were tabled in my name. They are supported by 20 fellow Back Benchers and many others in the Conservative party. Moreover, we have now established a rapport with our Front-Bench colleagues, which means we are working very cohesively. There might be some differences here and there, but we are basically all together and our clear mission is to explain—in very difficult circumstances and according to an impossible timetable—what the introduction into UK law of this extremely opaque treaty will mean.

The treaty has been deliberately devised to be as hard to understand as the Eurocrats and the Government can make it. We went into that yesterday, but it is an affront in terms of time and of management. It is very nearly impossible in the time available to go into what is a substantial series of arguments. If I had more time, I would want to go into those arguments further to illustrate to the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), who made such a sound point, and other hon. Members, the impact that the treaty's provisions will have on the rights of the people of this country, individually and collectively.

I referred to the distinction between the operation of our legal system and those of other European countries. There are 27 member states and they each have their own distinctive legal system. It would be completely impossible on such an occasion to make a comparative legal analysis of the differences, buf they do exist, and they are very important to the people of those countries and to the European Union as a whole. For example, as I said in the previous debate, judges in the French system are appointed politically. It may seem odd that we should mention that. They would be surprised if anyone suggested that they should not be appointed politically because their system has been conducted in that way for generations.

Accompanying that process is a state prosecution service. People go straight into that service; they do not undertake the prosecution of criminal offences as members of the Bar, as do my hon. Friend the Member for Beaconsfield (Mr. Grieve) and other Members who are learned barristers. In France, there is a completely different system. I had experience of the code civil recently and it is difficult to work out which procedures prevail in it. They are written down in a constitutional manner and were brought forward, as some have said before, under the Napoleonic code.

It is simply not possible to marry such a system with ours to get the sort of consensus to which the hon. Member for Eastleigh (Chris Huhne) referred. That is just rubbish. Without co-ordinating the laws into a uniform system, it would be impossible to apply similar criteria to each of the laws in the respective member states, or to say that the European prosecutor will be able to make a judgment on behalf of Europe as a whole as to what the tests should be of the prosecutions he initiates.

Each of the 27 member states has its own state prosecution service, or a separate such service as we have in this country. I could enlarge on that, but in a nutshell I am describing an exercise in comparative law. Some books and authorities have attempted to explain all that, but it does not get us anywhere as a legislature. That is the problem. An academic exercise, which in a way is what this debate amounts to, simply will not do. We are dealing with the rights of the people of this country.

It is difficult in the time available to do more than indicate the things that caused me concern and led me to table the amendments that were selected: amendments Nos. 132, 133, 136 and 137. I shall attempt to do so, and I shall try to be as brief as possible. I shall, however, have to reduce my carefully argued analysis into a truncated form. I am certain that I will not do the subject justice, but, given that justice has not been done to us in arranging the business, I hope that hon. Members will be indulgent enough to accept that it is simply not possible to do the job as well as one would wish.

The amendments deal with fighting cross-border crime, co-decision in the EU, qualified majority voting and the jurisdiction of the European Court of Justice over police and judicial co-operation. Article 61 of the Lisbon treaty states:

> "The Union shall constitute an area of freedom, security and justice with respect for fundamental rights and the different legal systems and traditions of the Member States."

That introduces the question, which we shall consider later—I trust that we will have an opportunity to consider it properly and at some length—of "respect for fundamental rights". The concept is casually thrown in to article 61, which goes on to consider endeavouring

> "to ensure a high level of security through measures to prevent and combat crime,"—

I tackled some of those issues by referring to the differences between legal systems—

> "racism and xenophobia".

A definition of "xenophobia" is not to be found in the treaty. Nobody knows what it is, except through some sort of cultural assessment. There is no legal definition. We encountered that problem in the European Scrutiny Committee when we considered the European arrest warrant. I could go into much more detail, and those who are interested can read the report on the matter.

Then there is the operation of the European Court of Justice. As I have said, EU institutions will not take into account the special nature of British common law.

Mr. Jenkin: The term "xenophobia" has been applied by supporters of the treaty to its opponents. Would it be legally possible for someone who opposes aspects of the EU on principle to be guilty of a crime under the treaty?

Mr. Cash: If the fools who make such statements have listened to the arguments that those who have considered the treaty presented, they stand condemned by the stupidity of their words.

Mr. Heathcoat-Amory: May I draw my hon. Friend's attention to article 69B, which reinforces his point? It would give the EU the power to define criminal offences and sanctions—in other words, punishments—in new spheres, including organised crime. At the time, the Government rightly opposed that through an unsuccessful amendment because British law does not recognise a category of "organised crime". It is not defined in our jurisprudence and we are therefore incorporating an alien definition into our judicial system through the treaty.

Mr. Cash: Absolutely. It will not surprise my right hon. Friend to learn that I have a lot of material on that. Again, I will not be able to go into the matter in detail, but article 69B states:

"The European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure"

we shall deal with that highly objectionable new procedure later—

"establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension."

We all want to be able to deal with the problems posed by international gangs and international crime but, as I said in an intervention on the right hon. Member for Leicester, East (Keith Vaz), the treaty provision is motherhood and apple pie. We all want co-operation to deal with international criminal gangs, but will they be operating just in the European Union? No. There are international criminal gangs that operate all over the world. It is precisely because what is wanted is a uniform legal system, at the expense of our common law system and our judicial processes, which are free from political interference, dual criminality and so on, along with a whole range of criteria, that we are insistent that there should not be the intention that lies behind the treaty. That is why we propose in my amendments to leave out the relevant words. That intention is to consolidate all the different legal systems and the legal criteria that are applicable to 27 member states, but the attempt will simply fail.

8.45 pm

Mr. James Clappison (Hertsmere) (Con): While my hon. Friend is on article 69B and the interesting phrase "offences with a cross-border dimension", does he share my curiosity to know whether the Government interpret it as referring to a particular offence with a cross-border dimension or to all offences in the list in article 69B? Some of those offences may have a cross-border dimension, but the provision could include all such offences, whether there was a cross-border dimension to a particular offence or not. That could cover a huge range of criminal offences and bring European authority, through the Commission's right of enforcement and, most importantly, the European Court of Justice, into the definition of offences, criminal procedures and the sanctions to be applied.

Mr. Cash: Absolutely. My hon. Friend is also a member of the European Scrutiny Committee, and we have looked into all such questions. The reason we found the proposals to be objectionable is basically that, as lawyers or politicians in this country, we apply definitions to words because we believe that there should be some exactness about whether someone has committed an offence or not. However, that is not how these other people operate—I say "these other people", because I am afraid that they do not use language in their statutes in the way that we do. I do not see why we in this Parliament should be subjected to laws that are brought in by people who are inexact in their legislation and inexact in the criminal offences that are created.

It is just not good enough for the hon. Member for Eastleigh to burble on about European culture and the European dimension, as if there were not serious implications for his constituents. I bet my bottom dollar that they will not be happy at the idea of being subjected to the kind of judicial processes that are in mind under the treaty, and I bet that he is not explaining the matter to them, either, although that is another story. The eurocracy that exists, and of which he is a pre-eminent member, albeit a Member of this House, too

Chris Huhne: Will the hon. Gentleman give way?

Mr. Cash: No, I will not give way. I am simply making a generalised point, which is that the significance of what is contained in the treaty is not known to the man or woman in the street in this country in the way they deserve to know it. That is what this Committee stage is about.

I should like to move on, although I am mindful of the time and will have to get through as quickly as I can. We have already dealt with the fact that there will be risks to British citizens. In response to the point that the hon. Member for Eastleigh made, I have recent experience of British citizens who were subjected to courts in Germany and France. Leaving aside the problems of translation, I could give him a dissertation, which I shall not give him now, on the sheer hell that they experienced, with serious consequences for their personal rights. They could not understand the proceedings and were not subjected to any procedure that we would recognise, and the whole process was a complete travesty.

Chris Huhne: On that point, one of the provisions in the justice and home affairs part of the treaty establishes minimum standards for defendants. I am sure that Conservative Members will remember the case of the British plane spotters who were accused of spying in Greece in 2001. That is an important example. As I said to the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), the rights of our citizens when they go to other member states are not insignificant, because 750,000 of them now live in other member states, and millions of us go abroad every year. Does the hon. Gentleman agree that it is important to have minimum standards, given the examples in Germany and France that he has just outlined?

Mr. Cash: Mutual recognition will take pride of place in the new Lisbon treaty; I could give the hon. Gentleman a dissertation on that as well. The plain fact is that mutual recognition—the principal point that lies at the heart of what the hon. Gentleman was fumbling

towards—is part of the problem, because it cannot take account of the distinctions that exist between the different legal systems.

Philip Davies: Does my hon. Friend agree that the hon. Member for Eastleigh (Chris Huhne) is trying to pretend that the treaty is about extending British law into the rest of the European Union, when in fact it will extend European Union law into British law?

Mr. Cash: Precisely. As I said in a recent debate, what we want is British law for British judges and British judges for British law. That pretty well sums up in a sentence what I think we should be doing with respect to the treaty. And we should have a British Parliament for the British people. That is the point.

Mr. Shepherd: The concept of mutual recognition has bothered the House before, and for very good reasons. It means that we must regard other legal systems as having the same standing as our own. We have only to look at the judicial processes in other countries, where one may be held in prison for many months while an investigation is carried out, to see systems that I would not naturally mutually recognise.

Mr. Cash: Absolutely. My very good friend summarises the position well. Indeed, that is what is bringing Conservative Members together. With the great and honourable exception of the hon. Member for Crewe and Nantwich, there are virtually no Labour Members present except the Minister. That is not a good sign when we are dealing with matters of this importance, and I think that the Minister ought to be looking thoroughly uncomfortable. In fact, he is, now.

I shall move on to amendment No. 133. Under the general heading of "Justice", the treaty gives the European Council the power to define objectives for United Kingdom legislation on freedom, security and justice. Article 61A states:

"The European Council shall define the strategic guidelines for legislative and Operational planning within the area of freedom, security and justice."

That is the European Council that the hon. Member for Eastleigh was prattling on about just now—

Chris Huhne: When I wasn't fumbling.

Mr. Cash: The hon. Gentleman must take his medicine; he certainly deserves it.

I am not going to exempt the Minister from this, either. This is what he has agreed to:

"The European Council shall define the strategic guidelines for legislative and Operational planning within the area of freedom, security and justice."

It cannot be right for us to be locking ourselves into this kind of requirement. In law, "shall" means "must", and that relates to the law as applied by the European Court. There is no doubt whatever that we should reject this. The 1999 temporary European Council provided a programme setting out policy guidelines and objectives with a timetable for their achievement. Under the Lisbon treaty, the European Council is obliged to define guidelines for legislative operational action. That is a step up into the arena that we should reject.

Article 61B is another provision whereby "National Parliaments" are to be placed under a legal obligation to make sure that European Union police and justice comply with national authority. It provides yet another example of an obligation being imposed on national Parliaments. There is no need to go further into this right now, because we will deal with it later, but this obligation, which the European Scrutiny Committee has censured in its report by requiring that there should be no ambiguity about it, offends article 9 of the Bill of Rights. As I say, I am not going into that now, because we will hopefully have a proper debate later.

Chris Huhne: I would like to cite the article to which the hon. Gentleman has referred. Article 61B states:

"National Parliaments ensure that the proposals and legislative initiatives submitted under Chapters 4 and 5 comply with the principle of subsidiarity, in accordance with the arrangements laid down by the Protocol on the application of the principles of subsidiarity and proportionality."

Is it not key to note here that the hon. Gentleman is looking a gift horse in the mouth? Surely this part of the treaty suggests that subsidiarity is a rather important principle.

Mr. Cash: I am delighted that the hon. Member for Eastleigh should walk into that one. The fact is that there is not one example that he or anyone else ever has or can give of subsidiarity being applied in practice since I described it as a con trick at the beginning of the Maastricht treaty debates all those 15 years ago. The fact remains that there has been no subsidiarity and there will be no subsidiarity.

Ms Gisela Stuart: I am sorry to disagree with the hon. Gentleman, but there is an example. One of the previous UK presidencies saw the animal zoo directive, which fell on the basis of breaching subsidiarity.

Mr. Cash: I am glad to hear of that one example. I am indebted to the hon. Lady for that revelation. At last I have heard one person give one example of one instance of subsidiarity—*[Interruption.]* Yes, a crucial one. In fact, the hon. Member for Eastleigh does not even do justice to his own argument, because the article refers to compliance with the principle of subsidiarity

"in accordance with the arrangements laid down by the Protocol on the application of the principles of subsidiarity"

and then it specifies "and proportionality", which he did not mention.

Chris Huhne: That is what I said.

Mr. Cash: No, the hon. Gentleman did not say it.

Chris Huhne: The hon. Gentleman was not listening.

Mr. Cash: I most certainly was listening. I always listen to everything the hon. Member for Eastleigh says because it provides me with such a great opportunity to demolish his arguments.

Mr. Jenkin: At risk of revisiting old debates, subsidiarity is of course a double-edged sword. I have frequently seen subsidiarity prayed in aid by the Commission as a means of centralising power. It has argued that subsidiarity demands that power be exercised at the lowest possible level, which it concludes is at the centre. Thus it was argued that air traffic control, for example, should be centralised on grounds of subsidiarity.

Mr. Cash: I am delighted to hear that, but my hon. Friend has to be a bit careful here because subsidiarity is a theological concept, which was actually created or invented by the Jesuits. I was educated by the Jesuits, so I know all about this—*[Interruption.]* The principle regarding theology and hierarchy was exactly as my hon. Friend suggested. The whole object of the exercise was to demonstrate that whereas people should be allowed to lead their own lives in their own fashion at a certain level, they had to obey the highest level of the highest hierarchy, which is, of course, the Vatican from where the Pope speaks ex cathedra. It will not surprise anyone if I make an immediate analogy: just as subsidiarity leads to centralisation of decisions ex cathedra from the Vatican in the theological sense, so it will lead ex cathedra to what is decided by the European Court of Justice and the European Union. That is what it is all about.

Article 61C concerns the implementation of new measures to evaluate policies in areas of freedom, security and justice. Again, it requires the application of those provisions by qualified majority voting, and again it refers to member states being required

"in collaboration with the Commission"

—that wonderful word "collaboration", with its resonances of the 1940s—to

"conduct objective and"

—so-called—

"impartial evaluation of the implementation of the Union policies".

9 pm

In relation to justice, article 61G states that the Council will

"ensure administrative cooperation between...Member States"

on police and judicial co-operation measures. That is another provision which, although I have not time to go into it in detail, raises serious points of objection. As for fighting cross-border crime, a European Union security committee will be set up to co-ordinate—that famous word—national police, customs and civil protection authorities. Apparently, it is proposed that the committee should focus on internal security. I regard that as, potentially, an extremely dangerous co-ordinating operation in the context of internal security and, no doubt, surveillance and all the other powers that will be involved.

As I said in an intervention yesterday, one of the things that worry me is that in the space of one or two lines in the treaty, we are legislating to require the people of this country to implement the law under sections 2 and 3 of the European Communities Act 1972, thus creating through a few lines and truncated proceedings the equivalent of many Bills which would normally undergo all their procedures in both Houses of Parliament. That is utterly outrageous.

Member states will be expected to surrender legislative initiative on border checks, asylum and immigration and judicial co-operation in civil matters.

Mr. Bone: One of the Government's arguments for accepting this part of the treaty was that it would help to solve the problem of human trafficking, but our problem in this country is that we do not have secure borders to stop trafficking. From what my hon. Friend has said, it seems that the situation will get worse under the treaty, not better.

Mr. Cash: That is one of the reasons why so many of us believe that the European Union does not work. It is full of good thoughts, in the sense that the aim is to improve things. It is motherhood and apple pie. But when we examine the bottom line and the nuts and bolts—which is what Committee proceedings are supposed to be all about—one argument after another must confront the question of whether or not it will work. Is it right for this legislation to become part of our law and, through the European Communities Act, be imposed on the people whom we represent?

We simply would not put up with it if a Bill were introduced that contained three lines that simply stated that its contents would be an obligation on our constituents. There would be riots in the streets. The fact is, however, that that is exactly what is happening. I am not exaggerating when I say that: it is here on the pieces of paper that we are discussing. In a matter of a few lines, we are legislating and imposing obligations on our constituents. I fear they are not properly informed of that, because the best way in which to keep a secret is to make a speech in the House of Commons. They do not know what is going on, which is why I have repeatedly urged all my colleagues, and my party, to get out there and explain these matters with conviction and passion. If we do not do so, the people will not know what is going on and they will regret that later.

There is another provision defining certain criminal offences and minimum rules that would override United Kingdom criminal laws and sentencing procedures: article 69B. Again, I will not go into the detail on that. Article 69C addresses interfering in crime prevention beyond existing cross-border measures. Under the provisions relating to Eurojust in article 69D, the British judiciary will be required to submit to Eurojust interference in criminal investigations and there will be massive interventions in prosecuting serious crime.

Every aspect of the treaty requires detailed analysis, which we simply cannot give it tonight. The creation of the European public prosecutor has already been mentioned.

Mr. Graham Brady (Altrincham and Sale, West) (Con): On article 69D, my hon. Friend spoke earlier about the occasionally sloppy language used, but it is sometimes interesting when the language is deliberately different. We had an exchange earlier about the role of the European public prosecutor's office, which could only exercise the functions of the prosecutor in the competent courts of the member states in relation to certain offences, whereas in relation to Eurojust the provisions make it clear that there is scope for

"the initiation of criminal investigations, as well as proposing the initiation of prosecutions conducted by competent national authorities".

There is a distinct difference: one body can operate independently of national authorities, whereas the other apparently cannot.

Mr. Cash: I absolutely agree. My hon. Friend is a former shadow Europe Minister and he knows in detail about such matters, and I am grateful to him for drawing our attention to that provision.

Amendment No. 137 addresses policing. It is stated that EU policing measures will eventually be reached through enhanced co-operation. The number of such enhanced co-operation provisions has grown over time, as there is a notion that it does not really matter if member states are not in complete agreement about proposals because if enough states come together to create momentum, that will start off the process. The theory is that several member states agree to come together and then the others will be forced to join in later, because they will find that they have been outflanked as a result of the provision having been initiated by the member states who originally signed up to it.

These measures will affect police co-operation. I hear what some say about the fact that we will not have one uniform police system throughout Europe, but I see every indication of creeping competences in many different fields, which will carry with them issues to do with burden of proof and whether an arrested person will be given adequate opportunity to be heard. We know that brutality takes place in some police services elsewhere in Europe. Our system might not be perfect, but I would be a lot more comfortable if I thought my constituents were being legislated for by this House in a properly measured fashion. There is currently a great deal of argument in this country about whether it should be allowed for people to be held for 28 days or a different period. All I can say is that, in this particular context, the idea of giving increasing powers to a European police force to co-ordinate, organise and undertake investigations carries very serious dangers.

There are many other matters that I would like to discuss, but there simply is not the time to do so, as I know other Members want to speak. I tabled these amendments not as a point of hostility but as a point of clarity, and that is why I believe they enjoy a measure of support. I say that to my Front-Bench team as well as to other colleagues. It is essential that we legislate properly in this House. It is perfectly clear that the provisions that I have only been able to touch on in the limited time available should be left out of this treaty. They also make it clear that this treaty should be abandoned and put in the rubbish dump.

Mr. Malins: I shall be brief, because other colleagues wish to speak. I want to discuss criminal justice and court matters, so as I have to, I declare my interest as a Crown court recorder and part-time district judge.

We should be very proud of certain aspects of our criminal justice system. I am very proud that the criminal law in this country is made by this Parliament and by elected Members of Parliament who are accountable to their constituents if they get it wrong. I am proud of the fact that over centuries the common law has developed in this country. It has been developed by independent judges who are not afraid to take on the Executive from time to time. I am proud of the fact that when a citizen of this country walks down their high street, the police have limited rights. The police are individuals merely with a warrant, and they cannot step over the mark; if they do so, they are in difficulty.

I am proud of the fact that when a person is arrested their rights continue. I am talking about their right to bail; their right to a fair trial; perhaps their right to go before three magistrates in the town in which they live; their right to go before a jury—12 persons chosen at random from the community; and their right to have an independent judge begin his or her summing up by saying to the jury, "Members of the jury, in this case the burden of proof lies on the prosecution throughout and not on the defence, and it is a high standard of proof."

I am also proud of the fact that in this country there are rights to legal aid and to appeal. There is so much in our current legal system that we have developed over hundreds of years. We are custodians of those rights and we throw them away at our peril. What are we faced with tonight? We can talk about subsidiarity, but I have never really understood that word and I do not think I understand it tonight. We are faced with the prospect of a sea change in our criminal justice system. We are faced with changes that will not happen tomorrow and which may not happen next year or in four or five years' time, but if we are not ever so careful and if we do not guard these rights, the changes may happen in 10, 20 or 30 years' time, and we should be ashamed tonight if we let them develop.

What could such changes be? Could there be a European public prosecutor? What absolute rubbish that would be. Could there be a European police force, Eurojust or Europol? What the devil do all those words mean? Who can convince me that any of this is better than what we have at the moment in this country? What sort of legal system would we have? It may be codified, but by whom? It would not be codified by people elected to this House. It would be an EU codified legal system. What might it do? It would mean saying goodbye to the jury system. All that could happen, and if it did, it would be arranged by people who are not accountable and who are not elected by the electors in my constituency or anywhere else.

Let us recognise tonight that we are debating issues of the greatest importance. We are left at the moment with a system in this country of which we are proud. It needs changing now and again, but we change it. It remains a system of which we are fundamentally proud because it recognises the right of the individual to a fair trial in a UK court under laws passed by a UK Parliament. That is what we have, and if anybody asks me whether we should begin to throw it out, I say that they would be mad and wrong to do so.

Philip Davies: My hon. Friend is making, as usual, a powerful point. He mentioned our ability to address deficiencies in our system, but does he agree that if we were to adopt the provisions in the treaty and were not satisfied with the way in which they were working, we could do nothing about that? We would be lumbered with them for the rest of time, because we would not be able to repeal any of the provisions in the treaty.

9.15 pm

Mr. Malins: That could well happen, whereas at the moment, these matters are in our hands. If we get something wrong, we can change it. If the voters do not like what we do, they can change us. Goodness knows, the gap between the voter and the elected Member of Parliament is wide enough, without widening it further.

I have spoken for four minutes, and that is long enough. I shall stop speaking, but I must make it clear that I feel very strongly that we should not give away what has served us so well for so long to a system that will be more damaging to the individual than is imaginable.

Mr. Jenkin: I, too, shall be brief.

The exclusions included in the amendments are very important, for a reason that has not yet been mentioned. I hope that the exclusions will be effective in addressing the problem that I shall describe to the Committee—the way in which the justice and home affairs provisions interact with article 188(l), a new provision that states:

"The Union may conclude an agreement with one or more third countries or International organisations where the Treaties so provide or where the conclusion of an agreement is necessary in order to achieve, within the framework of the Union's policies, one of the objectives referred to in the Treaties, or is provided for in a legally binding Union act or is likely to affect the common rules or alter their scope...Agreements concluded by the Union are binding upon the institutions of the Union and on its Member States."

The importance of that provision is that the European Union already concludes international agreements with third countries on matters that are clearly within its competence, such as vehicle homologation, or the standardisation of road vehicles. The reason why the European Union cannot agree extradition treaties with third countries is that extradition is not included in the main part of the treaty, but that will change as we bring justice and home affairs into the purview of the treaties.

We already have, for example, a common arrest warrant, which is at present a third pillar agreement between the member states. Under this treaty, that will become part of the main body of European community law. That means that the European Union will acquire the competence to agree an international agreement, as a nation state would agree an international agreement, with other nation states on the matter of extradition. Effectively, we would progressively lose from our national jurisdiction the right to agree extradition treaties.

Mr. Mark Harper (Forest of Dean) (Con): We will also lose another powerful tool—the ability to hold people to account for the quality of their negotiation. Other hon. Members have mentioned the appalling job that the Government did in negotiating the extradition treaty with the United States. If the European Union did that, we could not change the people who had made a poor job of it. At least we can do that with this Government.

Mr. Jenkin: I am wary of highlighting the deficiency of present agreements, because people will no doubt claim that we would be much more effective if we were all negotiating as one country. However, let us take for example the trade negotiations and the world trade agreement. Provisions that will be very damaging for some of the poorest countries in the world are being agreed through the Doha trade round and the imposition of economic partnership agreements on African countries that are losing their special status, which stretches back through history, with European countries. We could see similar agreements on extradition being agreed with third countries that are not in the interests of this country.

In fact, we enjoy special arrangements on extradition with a great many countries. We stand to lose those special arrangements under these provisions, and I ask the Minister to confirm in his winding-up speech whether I am right or wrong. With the inclusion of these provisions on justice and home affairs in the main body of the treaty, in conjunction with article 188L—*[Interruption]*—and, of course, with the addition of legal personality, as my hon. Friend the Member for Stone (Mr. Cash) says from a sedentary position, will we lose control of extradition if the EU chooses to exercise that competence?

I make a further point about article 188L. Decisions under article 188L are, of course, made by qualified majority voting. So, whereas the arrangement for extradition agreements in the EU is a unanimity provision at the moment, we are effectively conceding to the EU qualified majority voting on extradition. That amounts to an extra concession of qualified majority voting. Moreover, I must point out that, whatever is agreed internationally by the EU by qualified majority voting automatically becomes an exclusive competence of the EU that is enforceable through the European Court of Justice and therefore binding directly on member states. I am looking at my hon. Friend the Member for Beaconsfield (Mr. Grieve) on this matter, and I hope that he is nodding in full agreement.

Mr. Grieve: I think that I am nodding in full agreement. Uncertainty surrounds the way in which the clause will be interpreted, which gives me cause for considerable concern. It is clear that we have the opt-outs in the domestic context; but, equally, it is clear that we do not have them in respect of EU international relations, which my hon. Friend is highlighting. It will be for the Minister to clarify whether, in fact, if there were an impact on areas where we had opt-ins and opt-outs on EU international relations, we would find ourselves subject to qualified majority voting on them.

Mr. Jenkin: Of course, and at risk of extending my comments by a mere extra minute, I may say that my hon. Friend has raised an extremely interesting issue, and we need an assurance from the Minister. He should give us an absolutely categorical guarantee that this red line will hold and that, where we are not opted into a justice and home affairs provision, there will be no question of the EU concluding an agreement with a third country on behalf of the Union by a qualified majority vote that would, therefore, take into its purview, by direct effect internally, control over that policy, thus removing it from the British Government. I do not think that he can give that assurance, because in the end, as usual, we are in the hands of the European Court of Justice.

Mr. Heathcoat-Amory: I rise to support the amendment ably moved by my hon. Friend the Member for Rayleigh (Mr. Francois) from the Front Bench and the amendments

advanced by my hon. Friend the Member for Stone (Mr. Cash), whose knowledge of these matters is more extensive than that of any other Member, as again demonstrated in this evening's debate. I was also struck by the short speech made by my hon. Friend the Member for Woking (Mr. Malins), who correctly defined the essence of parliamentary democracy: mistakes can be corrected and we can reverse legislation that turns out to be wrong or damaging. All Governments—not just this one—make mistakes, but the House, either in the same Parliament or subsequent to an election, can alter the law. We cannot do that if the law is made in another jurisdiction and the procedure for amending or changing it is incredibly long-winded, cumbersome and way beyond our reach.

Philip Davies: Does my right hon. Friend agree that the problem with the opt-in provisions, which are much vaunted by the Government, is that once somebody has opted in, there is no mechanism ever to opt out again? Once we are in, we are in—even if a subsequent Government wishes to get us out again.

Mr. Heathcoat-Amory: My hon. Friend is entirely right, and such provisions will render general elections something of a farce. A political party will advance propositions on criminal justice, policing, immigration or asylum, but the electors will know quite well that, if its politicians are elected, they will be unable to make the changes or pass the laws because they are all made in the EU. The question "Why vote?" then becomes unanswerable, and the public have realised that. The Government and the Electoral Commission take an awful lot of time and trouble to try to persuade people to vote. They are putting voting booths in supermarkets—

Sir Nicholas Winterton (Macclesfield) (Con): Tesco.

Mr. Heathcoat-Amory: Yes, Tesco, and people are being encouraged to vote online. The real problem is that people will vote only when that vote makes a difference, and it will not make a difference if the political party that is elected cannot carry out its manifesto commitments.

Kelvin Hopkins (Luton, North) (Lab): I do not know whether my point will be welcome to the right hon. Gentleman, but CREST—the Centre for Research into Elections and Social Trends, an academic group—has shown a correlation between declining voter turnout and diminishing differences between the parties. If people feel that there is no choice, they will not vote. If there is a real choice, they will vote. I would like there to be a real Conservative party and a really democratic socialist Labour party; then people would come out to vote.

Mr. Heathcoat-Amory: The hon. Gentleman puts it better than I could. In a general election, we all engage in a contest, and each party has its own programme. An essential component of the process is that if we are elected, we can carry out that programme. If we cannot, democracy dies. That is why we are debating not a treaty but democracy itself.

I have tabled an amendment and a new clause. The amendment, No. 26, would disapply justice and home affairs from the treaty as implemented in this country. I tabled it because it is not necessary to have a new treaty covering those issues. Nobody—certainly not the Minister—has shown us that the intergovernmental method that we have under the treaty of Rome as amended is failing in any way. What provisions are we unable to agree to under the existing machinery? I believe in intergovernmentalism because it retains essential democratic control and accountability while allowing one to be internationalist in one's ambitions, and I am an internationalist. I always have been, and so has this country. We are members of many organisations that seek to tackle world problems.

The Government's case seems to be that anyone who believes in tackling crime and terrorism has to be in favour of the treaty. That is just not true. The rest of the world does not belong to anything like the European Union; those around the rest of the world tackle world problems as they always have done—by making alliances, seeking friends, and working with other countries to tackle common difficulties. That is how the rest of the world operates—intergovernmentally. Nothing convinces me that that is not working perfectly satisfactorily, or that we need to pool our law-making ability to tackle problems. After all, on police co-operation, Interpol long predates Europol. I find the debate curiously Eurocentric. Little Europeans are making the case for more European powers, but my horizons are global. I want to work with all countries of the world to tackle common problems.

The Liberal Democrat spokesman, the hon. Member for Eastleigh (Chris Huhne)—he has left the Chamber, but I am sure that the hon. Member for Cambridge (David Howarth), who is present, agrees with him—advanced a curious proposition. He said that we need the provision to help British people living in other countries. We are being invited to give up all our powers over laws affecting our constituents in return for a partial, vestigial influence over laws affecting some British people living in other countries.

That seems to me to be a very bad deal.

9.30pm

Apart from anything else, I am not convinced that Executive efficiency is more important than democracy. The European Union is incredibly inefficient. The common agricultural policy, the common fisheries policy and the European Union budget are not good models for a common crime and justice policy, but crucially it is the loss of public control and the lack of accountability that are breeding resentment and disillusionment with politics and politicians which worry me so much.

The treaty does not cure that, but makes it worse. It defies instructions given at the start of the reform process. I go back to 2001 when, in the Laeken declaration, Heads of Government meeting in that town in Belgium identified the problem—the growing gap between the European Union and its citizens. It instructed those who sat on the Convention on the Future of Europe to design a Europe closer to its citizens. How is that possible if more decisions are taken away from the citizens and away from their national Parliaments to be decided in remote institutions in the European Union, which are the source of the problem in the first place?

The treaty abolishes the intergovernmental system of Maastricht and puts in its place a supranational system, which is further from the public. That goes all the way back to the Convention. The hon. Member for Birmingham, Edgbaston (Ms Stuart) will remember that the British Government were on the side of intergovernmentalism in those days. The Government tabled hundreds of amendments to try to stop the transfer of power and authority away from national Parliaments, but they failed. In the narrower sector of justice and home affairs, the then Minister for Europe, the right hon. Member for Neath (Mr. Hain), tabled 40 amendments, 38 of which were turned down.

So we know that the Government do not agree with the provisions in the treaty, because the treaty is virtually the same as the constitution which was the product of that Convention. I shall give one or two examples. Article 69B will give the European Union, if the treaty is ratified, the power to establish the definition of criminal offences and the sanctions applying to them—that is, the punishments. The power of the state to punish will be applied in this country in accordance with rules that we do not make.

The article specifies categories of serious crime, such as terrorism, corruption, computer crime and organised crime. Those are wide definitions and are not recognised in British law, a point that I made in an intervention. "Organised crime" is almost impossibly wide. There is no category of crime called "organised crime" in our jurisdiction, but we will import that into our criminal justice system via the treaty.

We had a short debate earlier this evening on the European public prosecutor. He will be responsible for investigating, prosecuting and bringing to judgment those accused of crime against the financial interests of the European Union. I have a much simpler solution to the financial problems of the European Union, which is to turn the tap off. If the European Court of Auditors in its 14th report next year still finds that much of the money goes missing, it should just stop paying it. Member states would soon start listening to the European Court of Auditors if it had that power.

Mr. Brady: Is my right hon. Friend concerned that if he were in a position to turn the tap off, that may, under the provisions, become an offence against the financial interests of the Union and he might be prosecuted?

Mr. Heathcoat-Amory: We could all be in court if the treaty goes through; my hon. Friend has made a shrewd and accurate point.

I have the Government on my side again. We know that the Government wanted to remove completely from the treaty any reference to the European public prosecutor, even though the office could be brought in only by unanimity. The right hon. Member for Neath, who represented the Government in the negotiations, said:

"Unanimity does not mean that this article can be accepted".

He rightly saw that once it was in a treaty, we would be implicitly committed to it; although we might have a veto, it would become a question not of whether but when. The right hon. Gentleman wanted all references out. My modest amendment would simply do what the Government tried to do in the Convention on the Future of Europe.

I shall give one other example of an article to which the Government also objected. Article 69F states:

"The Union shall establish police cooperation involving all the Member States' competent authorities, including police, customs and other specialised law enforcement services".

That is not a permissive power, but an instruction—the word "shall" is used. In the phrase "specialised law enforcement services" I recognise a reference to MI5; our Security Service is to be brought into the requirement to co-operate with other member states. There is a special relationship between our security and secret services and the United States, and it dates back to shortly after the second world war. In place of that, we are being mandated to co-operate with all 26 other member states. More than that, the power—and it will all be done by qualified majority voting—includes

"the collection, storage, processing, analysis and exchange of relevant information".

Given that even this Government cannot be trusted with the data under their control—after all, Revenue and Customs lost 25 million files, affecting everybody in the country—we can imagine what may happen when even more sensitive information has to be exchanged with 26 other countries all over the European Union, with varying standards of control over it. We are trying to put right what has gone wrong in this country; it would be highly irresponsible to create a further leakage of information as far as Bulgaria, Romania, Malta and right up into the Baltic. Is that really a sensible way to proceed?

Mr. Jenkin: Would it be true to say that if an identity card were introduced to this country, it could come under the control of the European Union?

Mr. Heathcoat-Amory: It is certainly true that in the treaty there are many references to the exchange of information. It is bad enough that we will be centralising data here; I am against an identity card because I do not trust the competence of even our own Government to preserve and protect citizens' information. If the data could be shared with 450 million other people, that is still another argument against it.

Sir Nicholas Winterton: I am listening carefully to my right hon. Friend, whose knowledge of the European Union is profound. Is he not stating in so many words that our country—the United Kingdom—is no longer a sovereign, independent country?

Mr. Heathcoat-Amory: I believe that if the treaty is ratified we will have undermined our powers of self-government to the extent that we could be considered to be in a colonial situation. I have visited other members of the Commonwealth who have more powers over their legislation concerning immigration, asylum and criminal justice than we, the mother country, will have under this treaty. That is an extraordinary irony of history.

Under the terms of the treaty, the whole area of justice and home affairs becomes a shared competence of the European Union—that is to say, the European Union and the member states will have powers to legislate. Crucially, however, it is asserted in article 2 that when the EU legislates in this area, member states will lose the ability to do so. In other words, we have not a shared competence but a residual role. That is profoundly important, particularly because attaching to this is the provision—

Mr. Clappison: Is it also my right hon. Friend's understanding that where the European Court of Justice interprets legislation in which the European Union has come to occupy a competence, that, too, will be binding on every country in the EU, including this one where it has been opted in?

Mr. Heathcoat-Amory: My hon. Friend is right. As I said in a previous debate, I do not regard the European Court of Justice as neutral in these matters. It is a federal institution in the way that the Supreme Court in the United States is a federal institution. Shortly after the American constitution was signed and ratified, the Supreme Court, under the famous Chief Justice, John Marshall, started to interpret states' rights in a way that was prejudicial to those rights. That led to the consolidation of federal powers, to such an extent that about 60 years later, in 1861, the federal Government were able to declare war on a state—South Carolina—that attempted to secede. That was inconceivable when the constitution was drawn up, but that is what happened. The Jeffersonian settlement was undermined by a Supreme Court that was part of the federal structure. I see something parallel happening with the powers of the European Court of Justice, which, I remind the House, will have an obligation in the treaty to practise "mutual sincere cooperation", not with member states but with the other institutions of the European Union. The observations about the European Court of Justice and its future role are well made.

Philip Davies: Does this not relate to subsidiarity? Subsidiarity does not mean that nation states can decide which powers to pass up to the European Union but that the European Union decides which powers, if any, it will be gracious enough to hand down to national Parliaments.

Mr. Heathcoat-Amory: Yes. Moreover, the final court that decides a subsidiarity case will be the European Court of Justice. My hon. Friend the Member for Stone (Mr. Cash) referred to the role of national Parliaments in the context of subsidiarity attempting to tell them what they should do in this area. The European Scrutiny Committee correctly observed that this House does not take instructions under any treaty. We are self-governing; we lay down our own rules of procedure. Whether or not we decide to look into matters of subsidiarity is purely a matter for us. We should resent becoming the creatures of a treaty and therefore of the European Union, as is the case under this document.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): I followed closely the right hon. Gentleman's comparison between the American constitution and the effect of the treaty. The parallel, if he takes it to its logical conclusion, is presumably that the European Union could have the power to declare war on France. Is that a serious proposition that he is making?

9.45 pm

Mr. Heathcoat-Amory: No. If the right hon. Gentleman was following my argument, he would know that I was simply illustrating a point. Powers in a treaty become subject to interpretation by a supreme court, and if that supreme court is part of the central authority it starts to see matters and interpret treaty provisions in a way that is detrimental to the interests of member states, in this case, and in favour of the interests of the central institution. We already see that activism in the European Court of Justice. I was pointing out that that process in America undermined the rights of states and asserted the powers of the federal Government to such an extent that they—the federal Government—declared war on a seceding state. I do not suppose that that will ever happen in the EU, but I was making the point that an accretion of powers to the centre aided by an activist court is happening in the EU in the same way as it did in the USA. I do not want to push the other parallels to breaking point.

Mr. Shepherd: My right hon. Friend's observations on the connection with the Supreme Court under Marshall draw an interesting parallel. Those occurrences turned on the interpretation of the constitution and the words "we the people". The phrase "we the people" overrode the rights of the states, and it was through that entry in the constitution that the relationship was changed between the federal Government and the states.

Mr. Heathcoat-Amory: That is my proposition. Ultimately, the treaty is about the comparative powers of member states vis-à-vis the European Union. By "member states", I mean in particular their representative Parliaments and, by extension, the powers of the people they represent. In my judgment, that balance is profoundly upset by the treaty—and never more clearly than in criminal justice, policing, immigration and asylum. With those few scattered thoughts, I strongly support the amendments tabled by my hon. Friends.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): The defence of the provisions that we are seeking to amend has so far fallen to the hon. Member for Eastleigh (Chris Huhne). He speaks with some authority since, if the Liberals applied proportional representation to themselves, he would be leader 49 per cent. of the time. His defence—I take it that he is acting as an outrider for the Government—was that the measures are essential in order to export some good higher standards from this country to other countries in the European Community. Up to 750,000 ex-patriot Britons live in those countries, many of us travel to them, and many of us work in them.

It is normally said that Eurosceptics take a rather negative view of foreigners and foreign Governments. On this occasion, the Liberal Democrats and the Euro-enthusiasts were working on the assumption that Johnny Foreigner needs a little help from us and that the benighted populations of our fellow member countries of the European Community do not have adequate legal systems but need them to be overridden by a supranational authority. In the interests of those countries and of the British people living in them, we must therefore hand over power over our own legal authorities to those supranational bodies: the European Court of Justice, the Council of Ministers and the European Parliament.

Unfortunately, that cuts both ways. If we can export the superior systems of this country—that is the view of the Liberal Democrats—to those partner states, presumably they can export their power and influence to us. That has been a concern to my party.

Kelvin Hopkins: The right hon. Gentleman is making a serious point. Does he agree that people in many continental countries do not trust their Governments as much as people here trust us? That may be surprising, but I think that it is well established, as illustrated by the state that Italy is in at present. It is one reason why people in other member states are more prepared to hand authority over to a supranational body than we are.

Mr. Lilley: That may be true. The hon. Gentleman makes a valid point, but it is not necessary for my argument.

It must be said that there is a tendency among Conservative Members to assume that we have an especially virtuous legal system. I am very proud of it and very attached to it, but we must not think that it is superior to all the other systems in the EU. Each country has its own legal system that it has developed over time, according to its own personality. Each legal system has its own coherence and checks and balances. When we start to legislate supranationally and to export elements of one legal system into another, the danger is that we create incoherence and destroy the balance of those other systems. We also risk wrecking the balance and coherence of our own system.

It is perfectly possible that the systems used abroad are in their own way just as good, or just as well adapted to the needs, wishes and personalities of their peoples, as ours is. It is not necessary for any country to destroy the coherence and balance of its legal system, but what is especially odd about the Liberal position is that it is assumed that the primary job of this place is to improve the legislative structures of other countries, and that that is more important than maintaining control and authority over our own legislative system.

I tend to think that a person who goes abroad must accept the system that governs where he or she lives and works. I have been the chairman of a German company, and I accepted that German law applied. I have a holiday home in France, and I accept that French law applies there. When I worked in Spain and Belgium, I assumed that those countries' laws apply there. I have never thought that it was the job of the British Government to set up the laws in other countries, and certainly not if doing so meant giving up the power to determine our own legal structures and laws.

Although common law evolves in this country, a key part of our system is that Parliament can change laws if the courts interpret them in a way that we do not expect. We can do the same if circumstances change and the implications of a law become different from what they were when they were laid down. The sort of changes set out in the treaty, if they are not amended as we propose, mean that we will not be able to change laws in response to circumstances and in reaction to experience. We will hand over to others powers that we and this place traditionally have had, and that is why I call on the House to accept the amendments and to reject the proposals in the treaty and the Bill.

Mr. Brady: I am delighted to have an opportunity to make a brief contribution to the debate. I know that a number of colleagues would like to speak, but we are all keen to hear what the Minister will say in response to the powerful points that have been made.

Many hon. Members of all parties have made important contributions to the debate. It would be invidious to name them all, but the early speech by the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) was very powerful, and my hon. Friend the Member for Woking (Mr. Malins) also made an important contribution.

What seems clear is that the provisions are all part of a process. As my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) said, that process progressed via the Laeken declaration and the convention, which was intended to bring the European Union closer to the people, to reduce the gap in democracy and deal with the fact that people feel that they should have some say in the decisions made for them. But at each turn, we have seen a greater accretion of powers at the centre.

The treaty not only sets out new powers, responsibilities and areas of competence but goes beyond that by setting out further aspects of the ratchet that would increase the powers of the EU in the area of justice and home affairs. That point was made tellingly by the hon. Member for Birmingham, Edgbaston (Ms Stuart), who spoke about the way in which the enhanced co-operation procedures can work to make something seem inevitable, so that the pressure is then on for other member states to accede to it. We see that in all the provisions on policing and judicial co-operation, and in provisions relating to Eurojust and the public prosecutor, which give new powers to the EU.

The European public prosecutor will be able to initiate prosecutions through the competent national authorities. I do not know how that procedure can work. I do not know of any precedent for it, or of any mechanism through which it can operate. I shall be interested to hear from the Minister how he believes that such a process can take place. How will the relevant competent authorities in the UK—presumably the Crown Prosecution Service—take instruction from the office of the European prosecutor in order to pursue prosecutions through the British courts? That is not clear in the text of the treaty and it has not been made clear at any point during the debate, but that matter must be clarified.

Sir Nicholas Winterton: My hon. Friend is developing a most interesting point. Would he direct his attention to the European Court of Justice? That court is an animal of the European Union; its interests are entirely those of the Union. How can we rely upon it to provide an independent judgment in the interests of the United Kingdom when it is interested not in an independent opinion, but merely the views of the corporate European Union?

Mr. Brady: My hon. Friend makes an important point in his customary trenchant and powerful way. It is not just those of us in our party, or those who care about our national sovereignty on the Labour Benches, who are concerned about the activism of the European Court of Justice. Member states, the President of Austria and the former President of Germany have expressed concerns about the way in which the European Court of Justice can extend the remit and powers of the European Union beyond what appears to have been agreed by member states. In that area, as in so many others, we have a very open-ended set of provisions with little definition.

During our earlier exchanges, we expressed concern about loose language and loose definitions. An example worth reflecting on is in article 69D, which refers to the activities of Eurojust and its scope of operation. It is made clear that Eurojust has the capacity to initiate prosecutions in relation to offences against the financial interests of the Union, but it states that it can initiate prosecutions

"particularly those relating to offences against the financial interests of the Union".

That makes it clear in terms that the provision includes things other than offences relating to the financial interests of the European Union.

I said at the outset that I would not detain the Committee long. I am anxious to hear the Minister's comments and I hope that he will have some answers to the many points and questions that have been raised in the debate.

10 pm

Mr. Jim Murphy: I am delighted to respond to the various points that have been made in Committee and delighted that you, Sir Alan, are overseeing our proceedings.

Before dealing with the wider points that the lead amendment makes, I pay tribute to my hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart), and not only for her participation in all the debates this evening and previously. I want to put it on record for the first time that, as of today, she is the proud owner of the German Order of Merit. She is not easily embarrassed, but I see that she is now.

With the Committee's indulgence, I intend to allow time for the hon. Member for Rayleigh (Mr. Francois) to respond to my comments. Let me deal with the lead amendment. Justice and home affairs in general and police and judicial co-operation on criminal matters in particular are subjects of great sensitivity. The UK has therefore negotiated a comprehensive opt-out arrangement, under which we have a choice, as the UK Government. First, we can choose whether to opt into new justice and home affairs proposals. Secondly, we can choose whether to accept European Court of Justice jurisdiction over existing third pillar measures at the end of the transitional period.

The UK has always acknowledged the important role that the ECJ plays in the European institutional context. It has always been recognised that there is no point in reaching agreements that do not stick in practice. That is why the ECJ has been so important in developing, for example, the legal infrastructure that governs the internal market.

Several hon. Members *rose—*

Mr. Murphy: With your indulgence, Sir Alan, I shall give way a couple of times and then make progress.

Mr. Lilley: Can the Minister give a single example of agreements made under the third pillar that have not stuck and, therefore, need to be transferred for adjudication under the ECJ?

Mr. Murphy: I shall do so happily. There are 82 proposals under third pillar consideration. Proposal 78, which deals with the transfer of sentenced prisoners, has been blocked because the Polish Government have not agreed to it. The right hon. Gentleman asked for one example and I have provided one. I hope that that reassures him.

Kelvin Hopkins: Is my hon. Friend concerned that the ECJ has made two recent rulings against trade unionists in Finland and Sweden, and that it is starting to resemble an organisation that serves the interests of big business and neo-liberal philosophy, not those of working people?

Mr. Murphy: I am not certain that that is the case. We believe in an economy that is flexible and liberal but contains a core component of social Europe. The ECJ can play an important part in that. *[Interruption.]*

The Chairman of Ways and Means (Sir Alan Haselhurst): Order. I am sorry to interrupt the Minister, but there is too much sedentary noise in Committee. I should like to hear the Minister's reply and I understand that hon. Members wish to hear it, too.

Mr. Murphy: I want to make it clear that the benefits of justice and home affairs co-operation are in the UK's national interest. Our participation in EU agreements on police and judicial co-operation in criminal matters is only one example. Such co-operation is vital in helping our police services fight terrorism and organised crime. There are prominent examples of the importance of the European arrest warrant.

There were Eurosceptic and Euro-isolationist sniggers about Europol, with people asking, "What the heck is it?" and so on, but it has often helped disrupt serious and organised crime, ranging from armed robbery to child pornography. Europol's contribution has been welcomed by the Home Affairs Committee—a cross-party Committee—and as an important contributor to the matters in hand.

We have also secured opt-in arrangements on transitional measures, which are important in the context of the lead amendment. We are clear that, by securing maximum flexibility, the Government have achieved a good deal for Britain. We have ensured that we have the right to choose where to participate in justice and home affairs co-operation and that ECJ jurisdiction cannot be imposed on the UK against our will.

Mr. Shepherd: Will the Minister give way?

Mr. Murphy: No, I will not give way. I hope that the hon. Gentleman will accept that I have a short amount of time this evening. The fact is that in yesterday's debate I gave way on dozens of occasions.

Mr. Grieve: Will the Minister give way?

Mr. Murphy: No, I will not. The hon. Member for Rayleigh will speak at the end of this debate.

Mr. Shepherd: On a point of order, Sir Alan. I regret saying this, but we addressing amendments in Committee, but the Minister has not yet alluded to a single one.

The Chairman: As I think the hon. Gentleman knows, the Chair is not responsible for the content of what either the Minister or any other hon. Member says. The Minister must be allowed to answer the debate in his own way, and he has a limited amount of time left in which to do so.

Mr. Lilley: On a point of order, Sir Alan. Could you explain to the Minister that if he wants more time, the Committee will vote him more time? [HON. MEMBERS: "Hear, hear!"] He cannot take refuge in the shortage of time for his failure to answer.

The Chairman: The right hon. Gentleman knows that that is not a point of order. He has put his view on the record and there will be opportunities through the usual channels to ensure that representations are made for more time if that is what some hon. Members believe should happen.

Mr. Murphy: Turning to amendments Nos. 8, 9, 10, 212 and 136—

Mr. Grieve: Will the Minister give way?

Mr. Murphy: No, I will not. [HON. MEMBERS: "Give way!"]

Those amendments would prevent the UK from implementing the treaty provisions relating to judicial co-operation in criminal matters. That is both contrary to the UK's national interest and unnecessary, as the UK opt-out applies to those provisions.

Sir Nicholas Winterton: On a point of order, Sir Alan. Can you rule on whether the Minister is trampling on the traditions and procedures of the House?

The Chairman: I have to say to the hon. Gentleman—

Sir Nicholas Winterton: But he is!

The Chairman: Order. The hon. Gentleman cannot expect the Chair to rule on any such thing. The Minister is replying to the debate. It will be for the convenience of everyone if he is allowed to do so in his own way and in a manner that is audible.

Mr. Murphy: I gave way on dozens of occasions yesterday, but in the interests of keeping the hon. Member for Beaconsfield (Mr. Grieve) calm and happy, I will give way on one last occasion.

Mr. Grieve: What I seek is clarification of the point that my hon. Friend the Member for North Essex (Mr. Jenkin) raised about the power of the European Union to reach agreements with outside states under qualified majority voting on areas such as extradition and how that would impact on areas where the United Kingdom had decided not to opt in. The question is very important and the Minister must have the answer.

Mr. Murphy: If I had known that the question was so straightforward, I would have happily given way earlier. The answer is that if the UK chooses not to opt in, we cannot then be bound by international agreements that the EU enters into in areas where we have not opted in. I thank the hon. Gentleman for the opportunity to make that clear.

On amendments Nos. 8, 9, 10, 212 and 136, without the European arrest warrant, extraditing criminals and terrorists from other member states would be a much lengthier, more complex and more expensive process. The warrant was the first mutual recognition measure, but we have since agreed others, which are in the process of being implemented, to improve the collection and exchange of evidence and to enforce financial penalties and confiscation orders between member states. The judicial co-operation chapter of the Lisbon treaty also recognises that mutual recognition, rather than harmonisation, which is an important point recognised in the Law Society report published six hours ago.

On amendments Nos. 11, 137 and 213, in moving the provisions on policing co-operation and Europol from a system of unanimity in Council and consultation with the European Parliament to qualified majority voting and co-decision, the UK has secured two key safeguards.

Mr. Jenkin: Will the Minister give way?

Mr. Murphy: No.

First, we have extended our opt-in to apply to those provisions. That means that we cannot be obliged to participate in such measures where we deem them not to be in our interests.

Secondly, unanimity and consultation are retained for measures concerning operational co-operation for determining the conditions and limitations under which the competent authorities of one member state may operate in another territory, with its agreement.

Mr. Jenkin: Will the Minister give way?

Mr. Murphy: I will not give way further. I have already said so.

Operational action by—

Mr. Jenkin *rose*—

The Chairman: Order. It must be fairly clear to the hon. Gentleman that the Minister is not going to give way—

Mr. Jenkin: I know why.

The Chairman: Order. That is not helpful at this stage.

Mr. Murphy: Europol is by no means a new concept. Its establishment was agreed in the Maastricht treaty and it was formally created by an EU convention that came into force in October 1998.

I shall turn now to amendment No. 26. European Union co-operation in the area of freedom, security and justice has been part of the treaties since Maastricht. It enables us to work together to tackle common threats such as terrorism and organised crime. It enables us to put into effect practical measures that have an immediate and positive impact—

Mr. Jenkin: On a point of order, Sir Alan. My point of order is very simple. The present arrest warrant already provides for extradition—

The Chairman: Order. That is an abuse of our procedures. The hon. Gentleman is taking up time on a bogus point of order when the Minister is trying to reply to the debate. I have to leave it to the Minister.

Mr. Murphy: Turning to—

Mr. Gummer: On a point of order, Sir Alan. It is very difficult for Conservative Members to hear the Minister. He is rushing his answer because he does not have time to give it. Could you please ask whether we could have a bit more time, so that he can say what he has to say in a way that most of us can understand?

The Chairman: Order. The right hon. Gentleman knows that we are governed by the motion that the House passed yesterday, and that I am no more responsible for the style of the speech of an hon. Member than I am for its content.

Mr. Murphy: I shall turn to new clause 4. The UK benefits hugely from our participation in EU agreements on police and criminal judicial co-operation. That co-operation is vital in helping our police services to fight terrorism and organised crime. The new clause would require the Government to opt out of all existing third pillar measures that had not been amended or replaced before the end of the five-year transitional period. During that period, the institutions will, as far as possible, amend or repeal existing third pillar measures. The UK will be able to decide whether to opt into amended measures. Six months before the end of the five-year period, the UK will have the choice whether to accept ECJ jurisdiction over any remaining, existing third pillar measure. This provision, which gives the UK a choice on each and every occasion in respect of justice and home affairs as to whether to accept ECJ jurisdiction in such cases, was a significant negotiating success for the United Kingdom, as the Home Secretary said earlier.

On new clause 7, the principles of direct applicability and direct effect are nothing new. ECJ regulations and decisions have had this effect since the treaty of Rome in 1957. In opposing the amendments before the Committee this evening, we are clear that the amendment tabled by the hon. Member for Stone (Mr. Cash) would deprive the UK of the benefits of the European arrest warrant. We also oppose amendment No. 26, tabled by the right hon. Member for Wells, which would leave the UK to deal with threats in isolation. The United Kingdom Government are not willing to accept that.

On amendments Nos. 11 and 137, Europol was established by Maastricht, but the amendments would prevent effective co-operation between police forces across Europe. New clause 4, tabled by the right hon. Member for Wells (Mr. Heathcoat-Amory), would require the UK to decide now whether to opt out of the remaining third pillar measures. Amendment No. 135, tabled by the hon. Member for Stone, would deprive the United Kingdom of the benefits of the movement of civil liberties and civil justice in respect of freedom across the European Union.

Amendment No. 207 was tabled by Conservative Front Benchers. If passed, it would prevent the UK ratification of the treaty, and its ratification across the European Union. The amendment would delete a Committee attended by officials who work to ensure that justice in home affairs and co-operation in a coherent and effective way are possible.

The amendments before us this evening would turn the Opposition's political isolation, which we have already spoken about, into entrenched institutional isolation. A once great party that helped to lead debate on Europe in the past has been scrabbling around on amendments to abolish a Committee that is attended by officials in the mistaken belief that it represents some great threat to our justice and home affairs processes. I invite Opposition Members to withdraw their amendments; otherwise, I encourage my hon. Friends to oppose them.

10.15 pm

Mr. Francois: I realise that in the few moments available I cannot reprise the whole of yesterday's debate on the business motion. However, I will briefly remind the Committee that we argued very strongly yesterday that one day was nowhere near enough to debate the issues of criminal justice, policing and home affairs that are at stake under the Lisbon treaty. We have been more than borne out by the way in which the debate, particularly on the amendments, has been conducted. Even with the switch in timing that the Government allowed, a number of Back Benchers were still standing at the end of this group of amendments who did not have the chance to put their points to the Committee. It should also be noted that we will not reach the second or third group of amendments—including, critically, the group on the matters of borders, visas, asylum and migration. I remind the Government that we argued strongly for having a separate day to debate those measures. Members were promised by no less than the Prime Minister an opportunity for "line-by-line scrutiny" of the treaty of Lisbon. Given that promise, this has not been an auspicious beginning.

Let me now turn to the Government's case. If the Government have such a powerful case in opposing our amendment No. 214, why is it that out of a party of more than 350 MPs, not a single Labour Back Bencher made a speech in defence of the Government's position? In fact, for large parts of the debate on the amendments, the Labour Benches were almost completely deserted. So much for line-by-line scrutiny of the treaty of Lisbon! The fact is—*[Interruption.]* The Government Chief Whip says that Labour Members agree with it; well, if so, why not have the guts to turn up and argue their case?

The collapse of the third pillar into the first pillar is a major change encompassed by the Lisbon treaty and it has very severe implications for our system of criminal justice. That was pointed out by a number of my right hon. and hon. Friends, not least in a passionate speech by my hon. Friend the Member for Woking (Mr. Malins). Indeed, it was also bravely pointed out by several Labour Back Benchers, including the hon. Member for Birmingham, Edgbaston (Ms Stuart) and the redoubtable hon. Member for Crewe and Nantwich (Mrs. Dunwoody). This is a major, major change, yet the Government are attempting to argue that it is just some minor technical modification. It is not. It potentially gives the European

Court of Justice jurisdiction in these areas, which it has never had before, and the abolition of a veto is no way compensated for by a combination of an opt-in and an emergency brake.

The Government had 40 objections to the constitution—effectively what they are now signing up to. Two of those objections were accepted—played 40; won two; drawn none; lost 38—yet the Home Secretary described it as a negotiating triumph. My God, what would have happened if we had done badly and lost! Why do we not have the Danish protocol, which would give us far greater protection in these matters than the one we have been given? We are utterly unconvinced by the Government's answer on all—

It being two and a half hours after the commencement of proceedings, THE CHAIRMAN *put forthwith the Question already proposed from the Chair, pursuant to Orders [28 January and this day].*

Question put, That the amendment be made.

The Committee divided: Ayes 170, Noes 353.

Division No. 60] **[10.19 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davidson, Mr. Ian
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Drew, Mr. David
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Field, Mr. Mark
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Gove, Michael
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howard, rh Mr. Michael
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall, Mr. David
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Mr. Laurence
Rosindell, Andrew
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Ms Gisela
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Dr. Richard
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Peter
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Young, rh Sir George

Tellers for the Ayes:
Michael Fabricant and Jeremy Wright

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bruce, rh Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Burstow, Mr. Paul

Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Curtis-Thomas, Mrs. Claire
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Farron, Tim
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
George, Andrew
George, rh Mr. Bruce
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Holmes, Paul
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacNeil, Mr. Angus
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGrady, Mr. Eddie
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, Angus
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sanders, Mr. Adrian
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stunell, Andrew
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Matthew
Teather, Sarah
Thomas, Mr. Gareth
Thurso, John
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Vaz, rh Keith
Vis, Dr. Rudi
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan

Williams, Mrs. Betty
Williams, Hywel
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wishart, Pete
Wood, Mike
Woodward, rh Mr. Shaun
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Noes:
Mr. Wayne David and Tony Cunningham

Question accordingly negatived.

Amendment proposed: No. 8, in clause 2, page 1, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 67, inserted Article 69A, TEC (TFEU), relating to judicial cooperation in criminal matters; and

(ii) '.—*[Mr. Francois.]*

Question put, That the amendment be made:—

The Committee divided: Ayes 165, Noes 352.

Division No. 061] **[10.32 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davidson, Mr. Ian
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Drew, Mr. David
Duncan, Alan
Duncan Smith, rh Mr. Iain
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Field, Mr. Mark
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Gove, Michael
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howard, rh Mr. Michael
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Mr. Laurence
Rosindell, Andrew
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Steen, Mr. Anthony
Streeter, Mr. Gary
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Dr. Richard
Tredinnick, David
Turner, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Peter
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Young, rh Sir George

Tellers for the Ayes:
Michael Fabricant and Jeremy Wright

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bruce, rh Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Burstow, Mr. Paul
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, rh Sir Menzies

Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Curtis-Thomas, Mrs. Claire
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Farron, Tim
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
George, Andrew
George, rh Mr. Bruce
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Holmes, Paul
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacNeil, Mr. Angus
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGrady, Mr. Eddie
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, Angus
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sanders, Mr. Adrian
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stunell, Andrew
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Matthew
Teather, Sarah
Thomas, Mr. Gareth
Thurso, John
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Vaz, rh Keith
Vis, Dr. Rudi
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Williams, Mark

Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wishart, Pete
Wood, Mike
Woodward, rh Mr. Shaun
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Noes:
Mr. Wayne David and
Tony Cunningham

Question accordingly negatived.

To report progress and ask leave to sit again.—*[Mr. Khan.]*

Committee report progress; to sit again tomorrow.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Delegated Legislation Committees).

Financial Services and Markets

That the Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No. 2) Order 2007 (S.I., 2007, No. 3510), dated 13th December 2007, a copy of which was laid before this House on 13th December, be approved. *[Mr. Khan.]*

Question agreed to.

EUROPEAN DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees).

Financial Management

That this House takes note of an unnumbered explanatory memorandum from HM Treasury dated 8th January 2008, European Court of Auditors' Annual Report on the implementation of the budget concerning the financial year 2006 together with the institutions' replies, European Union Documents No. 11724/07 and Addenda 1-2, Protection of the financial interests of the Communities Fight against fraud Annual Report 2006, unnumbered explanatory memorandum from HM Treasury dated 9th August 1997, European Anti-Fraud Office—seventh activity report for the period 1st January to 31st December 2006, No. 13117/07 and Addendum 1, Commission report on the follow-up to Discharge Decisions (Summary)—Council recommendations, and No. 13118/07 and Addendum 1, Commission Report on the follow-up to 2005 Discharge Decisions (Summary)—European Parliament Resolutions; and supports the Government's promotion of measures to improve the level of assurance given on the Community budget.—*[Mr. Khan.]*

Question agreed to.

PETITION

Misuse of Fireworks (Essex)

10.46 pm

Bob Spink (Castle Point) (Con): I should like to present an important petition, organised by Faye Guyat, that addresses the issue of the nuisance and real harm caused to people and animals by the antisocial and selfish use of fireworks. Although a sound private Member's Bill on the subject became law in 2003, improvements can still be made, and there are still real problems in our community. I congratulate and thank every person who signed the petition. It states:

The Petition of residents of Castle Point and others,

Declares that freely available fireworks present danger and nuisance to people, property and animals and we believe that the suffering fireworks cause and the cost to emergency services and individuals are totally avoidable; whilst we believe this, we do not wish to prevent the enjoyment of traditional festivals—and therefore we urge the Government to amend the firework bill.

The Petitioners therefore request that the House of Commons urges the Government to restrict fireworks to licensed organised displays only at fixed times of the year, to include garden parties in the restricted category, to reduce the decibel limit to a maximum of 85db for all fireworks and to make it illegal to use or posses fireworks without a licence.

And the Petitioners remain, etc.

[P000115]

Eco-Town (Harborough)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Khan.]*

10.48 pm

Mr. Edward Garnier (Harborough) (Con): I am grateful to Mr. Speaker for granting me this Adjournment debate. He knows that I have been attempting to get Ministers to account to the House—and, through me, to my constituents—for an utterly unexplained piece of Government policy. He must have been driven mad by my persistence. I do not wish to draw Mr. Speaker into the issue of the merits of my arguments, or any of those that may emerge this evening from the mouth of the Under-Secretary of State for Communities and Local Government, the hon. Member for Hartlepool (Mr. Wright), but he has come to the aid of a constituency Member who has a grievance to express on behalf of his constituents, and thus has enabled the House to perform one of its proper constitutional functions. I thank him for that, as I am sure does my hon. Friend the Member for Rutland and Melton (Alan Duncan), whose constituents are as affected by the issue as mine, as a result of boundary changes. I am also grateful to the Minister for being here to respond to the debate, and to his colleague, the new Minister for Housing, who has agreed to meet my hon. Friend and me very soon.

Tonight is the first occasion on which the question of the rightness or wrongness of the Government's eco-town proposals has been exposed to anything resembling a public debate. There is somewhere in the Government's digestive system a list of 57 eco-town sites which, we are told, will by some process not yet made known to us be reduced to 10. The specific subject of tonight's debate, the Co-op's proposal to build a so-called eco-town the size of Hinckley or a town twice the size of Market Harborough within Harborough district and for it to be one of the 10 chosen sites, has never been debated in Parliament or in the chambers of Leicestershire county council, Harborough district council, Leicester city council, Oadby and Wigston borough council, the East Midlands regional assembly or the East Midlands Development Agency.

That of itself is extraordinary, as the Prime Minister's eco-town policy, which was announced late last year, has the potential to do a lot of good, although it also has the potential to do a lot of harm. If this is such a good idea, as the Government must believe it is, why have they discouraged discussion on the public stage and confined outside input to meetings such as the one held last Friday in Market Harborough, attended only by officers of Harborough district council and civil servants from the Department for Communities and Local Government?

At that meeting a civil servant from the DCLG grandly opined that there is no over-supply of housing in Leicestershire, and added that there is still demand to be met. Is that the opinion of someone who has been to my constituency before, or is it the imperial prejudice of some Whitehall mandarin who thinks he knows best? He sounds like a man from the 19th century Colonial Office who spends his waking hours drawing lines across maps of far-away places.

Before I am accused of advancing nothing more than a nimby argument, it is worth asking whether that person, who presumably advises the Minister, has ever taken the trouble to see for himself the land in question and how it relates to its hinterland, urban and rural, or taken into account the fact that 80,000 new dwellings are already in the plans under the regional plan for Leicester and Leicestershire in the next 18 years, which will mean 7,000 new dwellings for Harborough alone. If the proposal goes through, we will have to withstand and absorb an additional 15,000 to 20,000 new houses, which will mean a new town of perhaps 40,000 to 50,000 inhabitants.

Arrogantly to treat Leicestershire as though it were no more than a geographical expression is to fail utterly to understand why the proposal is so flawed and why it will cause a lot more harm than good. Each district within the county is different from the next; each has a different relationship to the city in the middle of the county and to its district and county neighbours. Harborough is the biggest district in terms of area, but it is one of the least well served in terms of public infrastructure and infrastructure funding, particularly with regard to public transport and road systems. Outside its farming economy, it is a prosperous area, with high levels of skilled labour, home ownership, employment and car ownership—the last a necessity for business and leisure purposes. The unemployment rate in my constituency, within both Harborough district and the borough of Oadby and Wigston, is under 1 per cent. The same low rate applies to my hon. Friend's constituency, Rutland and Melton. I would not be surprised if the rate in the villages that will be swamped by the proposal is even lower.

The detail of the proposal and the process by which it will be resolved, however, be it for or against, is a total mystery to me as the MP for Harborough, to my hon. Friend the Member for Rutland and Melton, to the county councillors for the eco-town site, Dr. Kevin Feltham and Mr. Simon Galton, as well as to affected Harborough district councillors and to councillors from neighbouring authorities whose constituents will be affected by the eco-town.

Let me add to the background of this extraordinary state of affairs. The Co-operative Wholesale Society or CWS, through its many tentacles—I am not being legally precise—is not just the owner and manager of shops, funeral services and a bank, or just the supporter of Labour MPs, but a large agricultural landowner. In addition to farmland elsewhere in the United Kingdom, it owns through one of its divisions just under 5,000 acres of farmland, the Stoughton estate, between the A6 Market Harborough to Leicester road and the A47 Uppingham to Leicester road. This farming estate lies about 5 to 8 miles south and east of the city of Leicester. It is classic Leicestershire farmland, partly arable, partly grazing, and it lies on some of the most attractive rolling acres of Leicestershire. It sits within about eight or nine parishes, some encompassing quite big communities such as the villages of Great Glen, Thurnby and Bushy, which are now in reality one village, and Houghton on the Hill, each with populations of between 1,000 and 3,000, as well as some much smaller villages such as Little Stretton, which has a population of about 10, Great Stretton, Burton Overy, Gaulby, Frisby and Stoughton, whose populations vary between the high tens to the mid-hundreds.

[Mr. Edward Garnier]

When I became the MP for Harborough in 1992 the Co-op ran an 800 to 1,000 dairy cow milking unit on the estate. It has since closed because the economics of dairy farming no longer allowed it. Of course, the economics of farming across the board in mixed-farming areas such as mine have become increasingly difficult in the past decade or so; it is not surprising that enterprising farmers look for opportunities to maximise the return on their capital from outside farming. Development is an obvious solution, and the Co-op cannot be accused of avoiding the obvious.

When I succeeded Sir John Farr in the early 1990s, he had been, and I soon became, engaged with our constituents from across the seat, but particularly those in the part of the constituency that I am talking about, in beating off a proposal from the Co-op to build a new town on the very same farming estate. In those days, of course, it was not called an eco-town—the phrase had not been invented—but the proposal was accompanied by some attractive brochures with colour pictures of birds, bees and other flora and fauna.

We were bombarded with public relations material from the Co-op and with political pressure from the right hon. Member for Leicester, East (Keith Vaz), who wanted the proposal to come up with an outer-Leicester ring road across the Co-op's land to relieve traffic congestion in his constituency. He had a perfectly legitimate interest in making the case for the outer ring road to help his constituents, and the Co-op wanted, entirely legitimately, to maximise the return on its money that was tied up in the land. Farming houses is more lucrative than farming crops or cattle.

Keith Vaz (Leicester, East) (Lab): I strongly support what the hon. and learned Gentleman is saying. He feels that his constituents have not been consulted; as one whose constituency neighbours his, I can say that my constituents have not been consulted about the issue either.

Mr. Garnier: I am grateful to the right hon. Gentleman for his intervention. I do not think that I speak out of turn in saying that the hon. Member for Leicester, South (Sir Peter Soulsby) takes a similar view on behalf of his constituents. Furthermore, Leicester city council is extremely concerned about the proposal.

In the early 1990s, we were successful in getting the Co-op to withdraw its proposal. It took a lot of effort and time, but eventually it backed off. I was not surprised when I learned towards the end of last year that the Co-op had decided to have another go, this time using the prefix "eco" to give the application added appeal. I attended a briefing given by the Co-op in Market Harborough for Harborough district councillors and me. This time we were shown not a brochure, but a PowerPoint slide show. Much emphasis was put on the carbon-neutral aspects of the project and how it would create 12,000 new jobs. The Co-op did not say, but we knew, that it has a parallel application for what is called a SUE, or sustainable urban extension, for 5,000 houses, pushing out from Oadby in my constituency on to the same land. It is covering all its bases.

David Taylor (North-West Leicestershire) (Lab/Co-op): The hon. and learned Gentleman is making a powerful case. Does he agree that the anonymous officials pushing such projects ought to be named so that they can be made accountable? I am thinking of the project in Kingston on Soar in the constituency of Rushcliffe; that has a huge impact on Leicestershire, particularly on the village of Kegworth. The issue is not restricted to just one party; the Conservative-controlled county council is imposing a so-called sustainable urban extension on the town of Coalville in my constituency.

Mr. Garnier: I am perfectly happy for there to be greater publicity about that issue, but it is the Minister and the Government, through the House of Commons, who should be accountable. I cannot see civil servants; I can see the Minister, who is here to speak for his Government.

I fear that the Co-op must have been somewhat taken aback by the universally unenthusiastic response that it received, not least because its explanation to us was wholly devoid of detail. Its representatives said that they could not tell us too much because of the need to maintain commercial confidentiality. From the little that we could discover, however, it seemed that the project would have a devastating effect on my constituency. However, it seemed likely that those representing the area would have no say or very little say in the decision-making process.

Yes, I accept that at the moment Harborough is only one of 57 applicant sites, and we may not end up in the shortlist of 10. However, neither I nor anyone else whose interests will be adversely affected by the proposal has any idea of how we can influence the decision. The Co-op's development manager and public affairs director have given a further, separate briefing to me and my hon. Friend the Member for Rutland and Melton here in the House of Commons. In part they told me about, and in part they pleaded with me to appreciate, the benefits of their scheme. However, they would again not give me any details for fear of losing such commercial confidence as there was in their plans. I was not convinced by that or any other of their arguments, although I told them that they had a perfect right to advance such arguments.

No matter how pure the Co-op's motives, I am speaking in a democratic and information vacuum, and all the indications do not allow for much optimism. It will not do lazily to advance a case for this development on the basis, "We need more housing, so why not have it here?" All development should be eco-friendly and should occur where it is right and needed, not just because a 5,000-acre plot is available. Just because there is a private flying club operating from an airstrip near Stoughton, it does not make this a brownfield site. Clearly, the Government will be attracted by convenience—think how much easier it is to deal with only one landowner as opposed to several. In this case, the Co-op owns 99 per cent. of the development site, with English Partnerships, an arm of Government, owning just a few hundred acres, but it is a willing partner.

I am not suggesting that there is an improper relationship between the Co-op and the Labour party, but it is undeniable that the links between the Government party and the Co-op, generally, are old and deep. The Secretary of State, the Minister for Housing, and the Under-Secretary, the hon. Member for Hartlepool, all represent northern constituencies in regions where the Co-op has been a strong presence. They will be comfortable with each

other, and although there is, I repeat, no suggestion of impropriety, there may be a natural sense of familiarity between an organisation that has its headquarters in Manchester and northern Members of Parliament. No matter how unfair or inaccurate that may be, it has created a perception of bias among the residents of Harborough district, whose enjoyment of their own properties and way of life will be irreversibly and undeniably damaged by this proposal. They also represent areas entirely different from Harborough. Employment levels in their areas are not as good as those in my area or that of my hon. Friend the Member for Rutland and Melton, average incomes are not as high as in my area, and owner-occupation and the availability of good quality housing may not be as prevalent as in Harborough or in Rutland and Melton. I can therefore understand the surprised reaction of the former Minister for Housing, now the Chief Secretary to the Treasury, when I suggested to her in DCLG questions before Christmas that this massive development was not wanted or needed in Harborough.

What are the most obvious consequences of letting this proposal go forward? The lack of existing transport infrastructure and the limited amount of strategic thinking about new roads in the Co-op's briefings is an area of particular concern to me and to the county's planners. The massive congestion that would result from linking the A47 to the A6 without further improvements would bring the whole area to a standstill at peak times. These problems would not happen overnight, but over a period while more and more homes are completed, with a slow creep towards gridlock as millions of tonnes of concrete and other building materials were brought on-site. Leicestershire county and Leicester city councils are looking for someone to fund a southern bypass from the A6 to the M1, a route that is to the south and to the west of the Co-op site and which will become imperative if this new town arrives, but the Co-op has shown no enthusiasm to accept the implications of its development beyond the limits of its own land. Furthermore, it would face negotiating with multiple landowners, and construction would be expensive and take some time. Other potential eco-town sites are alongside motorways and astride train lines. The Stoughton estate is far away from either, and the concept of reopening a station near Great Glen is most unlikely to be seen as a priority by Network Rail or East Midlands Trains when they are trying to construct East Midlands Airport Parkway station in Nottinghamshire, which has so far taken some 20 years to get close to reality.

The Co-op's own sustainability report, published in April 2007 in preparation for its SUE bid, admits:

"There is no existing public transport infrastructure serving the majority of the SUE"—

or, for that matter, an eco-town. The Co-op is relying on people living and working locally, and therefore walking, cycling or using the limited public transport, which is expected to be beefed up as numbers grow. That is frankly fanciful unless the new town is going to be a gated community with restrictions on the residents preventing them from travelling outside its perimeter. Despite Co-op hopes on the subject, a large percentage of the inhabitants of the new town would be commuters to London. That amount of additional commuters trying to get on to the A6 at peak times would mean that Kibworth will need a dual carriageway bypass, the road from Kibworth to Market Harborough will need upgrading to dual carriageway, and the Market Harborough bypass will need dualling. How much of that will be funded by the Co-op development?

To begin with, as the first new residents arrive, their children will no doubt be educated in Oadby. Oadby's schools are already full and taking children from both the county and city. The pressures on all local authority budgets—already among the lowest funded by Government—will intensify as they try to cope with the additional workload of another major town before it is fully occupied and there is a full council tax income stream. New roads create new journeys. Eco-town residents will want to make their own decisions about where to work, what cars to have and what journeys to make. It is reckless to destroy rural Harborough on the back of a few aspirations on a PowerPoint slide.

I wrote to the Secretary of State on 20 December. She did not reply, so I tabled a written question. The Under-Secretary of State for Communities and Local Government, the hon. Member for Gloucester (Mr. Dhanda), replied on 17 January—although the answer did not arrive until 22 January. He said that the eco-town programme would be subject to the statutory planning process,

"for example through a review of the regional spatial strategy. As a consequence the local community and planning authorities will have the ability to engage with the process."

Will the Minister specify the statute that allows for the process that his colleague wrote about and explain what the expression "to engage with the process" means in plain English? What is the legal status of that phrase?

On Second Reading of the Planning Bill, in response to my hon. Friend the Member for Hertford and Stortford (Mr. Prisk), the Secretary of State said:

"Matters such as eco-towns and large housing developments will continue to be decided by local authorities under the town and country planning system and by reference to the local development plans that have been selected."—[*Official Report*, 10 December 2007; Vol. 469, c. 27.]

There is room for a good deal of confusion about what the Government collectively intend and the planning process that governs eco-town developments. To allow planning authorities such as Harborough district council to be merely consultees as opposed to decision makers is to abuse local democracy and to divert ownership of the decision from my constituents to Ministers.

This urban development, if allowed to go through, would utterly destroy a much valued green lung south-east of the city of Leicester to the commercial advantage of the Co-op but for no obvious local or county-wide public benefit. In reality, there will be nothing eco-friendly about that vast new urban settlement, albeit that I can see it has enormous financial advantages for the Co-op and English Partnerships at a time when farming incomes are low and wholesale development offers better rewards.

The enormous development would create a town of more than 40,000 inhabitants on open farm land that would dwarf the neighbouring villages and even the nearest urban community of any size, Oadby. It will also gravely damage Leicester's plans for its regeneration. It will create an urban wedge that will break down the local rural environment and community in south-east Leicestershire and will allow the swamping of an area of considerable beauty with thousands of houses, cars and lorries and all the permanent infrastructure that would be needed to support such a large town.

[Mr. Garnier]

The Co-op claims that the development will create 12,000 or so new jobs. As I have said before, my constituency's unemployment rate is 1 per cent. Any new jobs would require people to be imported to do them. Strange as it may seem to MPs from less economically vibrant parts of the country, we do not need thousands of new jobs to provide work for jobless people in Harborough or Oadby and Wigston. It is, furthermore, unreal to think that the incoming occupants of the 15,000 new homes would all work in the alleged eco-factories that the Co-op claims will provide the jobs. Thousands of people will necessarily commute by car to work elsewhere within the region and, given that the Co-op wants to build a parkway station at Great Glen on the Sheffield main line that goes from St. Pancras to Leicester, it is likely that many hundreds of residents will commute to jobs in London.

We do not need the type of forced or artificial economic regeneration that the proposal would mean. If one wants to create 12,000 more jobs in an area with virtually full employment, one has to import the jobs and import the housing to accommodate the employees and their families. We are beginning to see what only 800 new houses have done to Kibworth, a village on the A6 barely five miles from the proposed development site, in terms of disturbance and placing strains on our local services and infrastructure. We can only imagine what 15,000 new houses will do not only to Great Glen and its neighbouring villages but to inner and outer Leicester, to Oadby and to rural Harborough, too.

I urge the Government to distinguish between the immediate, or short-term financial interests of the Co-op, and the environmental, economic, social and other long-term interests of the people of Harborough district and Oadby and Wigston. The Government's attitude towards so-called eco-towns should not be allowed to be affected by a misunderstanding of the facts on the ground or public relations material put out by the developers. If the development goes ahead without local input or consent it will arouse untold anger and revulsion. If we get it wrong we get it wrong for ever.

11.8 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Iain Wright): I congratulate the hon. and learned Member for Harborough (Mr. Garnier) on securing the debate. I also pay tribute to the comments made by my hon. Friend the Member for North-West Leicestershire (David Taylor) and my right hon. Friend the Member for Leicester, East (Keith Vaz). I also appreciate the attendance of the hon. Member for Rutland and Melton (Alan Duncan).

I am very much aware of the concerns expressed by the hon. and learned Member for Harborough. He will know that planning rules mean that I am restricted in what I can say, but I am sure he will agree that eco-towns are a new and radical approach to designing and creating new places to live. Such schemes offer a tremendous opportunity to revolutionise the way that we plan and deliver towns, and to change radically the way that people travel, work and live. They will be exemplar communities, and other towns and developments will be able to draw lessons from them.

The pressures on housing affordability are felt nationwide, including in the constituency of the hon. and learned Gentleman. All regions are experiencing major increases in the number of households. We are inviting local authorities to come forward with growth point proposals, as well as encouraging expressions of interest for eco-towns from the public and private sectors.

By 2016, the Government want 240,000 new homes to be built every year to keep up with demand. Our desire is that 3 million new homes will be built by 2020. We need more homes in all regions of the country, but we also need greener homes. The new homes must be sustainable in every sense of the word, and they must minimise damage to the environment. That is why we have set a target that is the most ambitious in the developed world – that, by 2016, all new homes will be zero-carbon.

Eco-towns are a highly sustainable way of meeting some of that demand. We expect that there will be up to five eco-towns by 2016, and 10 by 2020. The size range for each town is between 5,000 and 20,000 inhabitants.

Alan Duncan (Rutland and Melton) (Con): It would seem from what the Minister is saying that the eco-towns project is a way of developing a lot of homes fast by simply bringing the word "eco" to the fore. Will he guarantee that no fast-track planning system will be used and that everything will be submitted to the usual planning application system after being referred to the usual planning authority? Or is it his intention to invoke some of the schemes for new towns that have lain dormant since the 1960s, or to incorporate old powers into new legislation so as to accelerate developments of the type that he has described?

Mr. Wright: The hon. Gentleman makes a good point. I can confirm that the eco-town proposals will be subject to the statutory planning framework. They will not be outside that framework, and there will be no fast-track proposals. I shall expand on that important point later in my remarks. The hon. Gentleman mentioned new towns, and I shall also deal with that subject in a moment.

The eco-town as a whole must be capable of reaching zero-carbon standards, and must demonstrate a strength in one area of sustainability. That could be technological, such as the treatment of waste water or the supply of energy, or it could be through an innovative means of encouraging low-carbon living.

Locations are also important, as well as innovation on site, and that is why, across government, we are looking at proposals to assess whether there are issues of potential flood risk or of scarcity of natural resources. We are also considering the effects that an eco-town might have on the natural environment, on the green spaces that we all have the right to enjoy, and on the protected landscapes or the species that inhabit them. We will look for innovative proposals that enhance our biodiversity and improve the natural environment by integrating green spaces into the new towns.

The Government have made it clear that they want to make use of brownfield land where there are good opportunities to do so, and a number of schemes using brownfield sites have been put forward. What is more

important than anything, however, is that towns are built in sustainable locations that relate well to existing towns and villages.

The hon. and learned Gentleman also mentioned transport, and I agree that strong transport links are essential to the new eco-towns. The new towns must demonstrate clearly how they will encourage a reduction in reliance on the car and a shift towards other, more sustainable transport options. We are looking for high-quality offers on accessible public transport, and want cycling and walking to be promoted. We will expect transport plans to be drawn up for each scheme which will outline how such objectives can be achieved—both in the eco-town itself, and in its links with surrounding towns and villages.

We are looking across government at the potential impacts on the road and rail network of the proposals that we have received, and we are assessing how they will deliver on plans to link to other centres and to employment in the most sustainable way.

Even though he does not agree with the proposal in his area, the hon. and learned Member for Harborough said that there had been enormous interest in the eco-towns idea. More than 50 bids have been received, many of them with excellent proposals for new developments. We expect to publish the proposals for eco-towns in February, once we have completed an initial assessment of the applications received, which will be subject to public consultation prior to final decisions on location.

In the time left to me, I want to stress the following point: while the initial assessment is under way, I cannot comment on any specific scheme. However, I can make some comments about the eco-towns process that will apply in all cases. I must stress that there will be considerable opportunity for consultation on the proposals, including with local authorities and the public, before the process is completed.

Mr. Garnier: I am grateful to the Minister for giving way; I know that he is short of time. Would it not be better to adopt the default position that eco-towns should go where people want them, and where local authorities are asking for them, rather than the other way round?

Mr. Wright: I shall come on to that by talking about the role of the planning system, because it is crucial. As I have just said, the public will have a full say in the eco-town proposals. The hon. and learned Gentleman said that everything had been done behind closed doors, in smoke-filled rooms. I would say that that is a myth. I want to make it clear that there is no truth in the claim that we are deciding the locations of the 10 eco-towns behind closed doors, without reference to the views of the public or the local authorities where expressions of interest have been put forward.

It may help if I explain in some detail the process that is going on at the moment. As I said earlier, an initial assessment of the sites for eco-towns is being carried out by the relevant Departments.

Alan Duncan: Will the Minister give way on one tiny point?

Mr. Wright: I have an awful lot to cover, including important points about the planning framework, and I have only got two minutes, so if the hon. Gentleman does not mind, I will not give way.

An initial assessment is taking place with Departments and their agencies on the issues of transport and the environment. The issues to consider include accessibility of public transport, impacts on the road network, constraints in terms of landscape, special protection and flood risk. Those are the sort of sustainability issues that need to be considered in taking forward any large development.

In this early stage, the Government are also taking soundings from regional partners in the Assemblies and development agencies.

Alan Duncan: Can the Minister guarantee to the House that any planning decisions will not override existing spatial and development plans?

Mr. Wright: Yes, I can. That is an important point.

In addition to the Departments, Natural England and the Environment Agency will have an input into the scheme, but that is not the end of the story. This is an initial assessment of the potential of all the bids that have come forward; its purpose is to exclude sites where there are too many showstoppers to allow development to take place. Immediately following that process, we will publish a shorter list than the original 50—probably about 10—for public consultation, and we will take every opportunity to engage with local authorities and the public during this time to ensure that their views are heard.

Following that period of public consultation, we will make final decisions on the 10 areas that have the most potential to become the eco-towns of the future. I would like to say a little about the planning system because it is the aspect that is causing the hon. and learned Gentleman and others, such as the hon. Member for Rutland and Melton, the most concern. I confirm what my right hon. Friend

The motion having been made after Ten o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at eighteen minutes past Eleven o'clock.

House of Commons

Wednesday 30 January 2008

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

INTERNATIONAL DEVELOPMENT

The Secretary of State was asked—

Gaza

1. **Simon Hughes** (North Southwark and Bermondsey) (LD): If he will make a statement on the humanitarian situation in Gaza. [182969]

5. **Jeremy Corbyn** (Islington, North) (Lab): What assistance his Department is providing to the people of Gaza. [182973]

The Secretary of State for International Development (Mr. Douglas Alexander): The Government and I are extremely concerned about the situation in Gaza and we are monitoring it closely. Gazans scrambling over the Rafah border last week secured essential supplies, but the underlying humanitarian situation is still dire. Although we understand Israel's security concerns, we do not support the decision to close Gaza's crossings. The Foreign Secretary and I have called on Israel to open them and to lift immediately all restrictions on humanitarian supplies. So far this financial year, the UK Government have given more than £11 million in humanitarian assistance to Gaza and the west bank through the United Nations Relief and Works Agency, the International Committee of the Red Cross and the temporary international mechanism. The majority of that money went to Gaza.

Simon Hughes: I am grateful for the Secretary of State's answer. Does he agree that it is completely unacceptable for the Israelis to stop goods coming in, in particular for the Umm al-Nasser project? That project is needed to drain a lake to prevent potential flooding for 10,000 people in Gaza, but the Israelis are blocking the supplies that are coming in for that. The Israelis made a commitment to the special envoy to the middle east that they would honour the project, but what is the point of having a special envoy and getting him to do deals with the Israeli Government if they will not deliver—

Mr. Speaker: Order. The hon. Gentleman is asking a supplementary question, not making a speech.

Mr. Alexander: I have had the opportunity to discuss with the Quartet's envoy the quick impact projects, including the project in Gaza. He is determined to continue his work to ensure that those projects are taken forward. Ordinary Palestinians should not suffer because of the actions of extremists, and any response by the Israeli Government to the rocket attacks by militants should be in accordance with international law. We are therefore keen not only that humanitarian supplies should be able to enter Gaza but that we have the kind of economic progress that is necessary to support the peace and reconciliation process in the middle east that we all want to see.

Jeremy Corbyn: Is the Secretary of State aware that Israel's collective punishment of the people of Gaza is probably illegal under international law and the fourth Geneva protocol? The closure of the Erez crossing means that basic humanitarian medical supplies and all food supplies cannot get through to Gaza. Even a humanitarian convoy put together by Israeli human rights organisations has been blocked at the Erez crossing. Will the Secretary of State put immediate pressure on Israel to open the crossing, allow medical and food aid to get through and allow the humanitarian supplies to arrive quickly? Israel's refusal to do that means that the anger and poverty of the people of Gaza simply gets worse and worse.

Mr. Alexander: I can give my hon. Friend the assurance that he seeks. I travelled to the Palestinian Authority's territory in December and took the opportunity to meet Ehud Barak, the Defence Minister who is responsible in the Israeli Government for the policies about the crossings. I impressed on him the long-standing position of the British Government that, notwithstanding the legitimate security concerns of the people of Israel, we believe that the crossing should be open. We recognise that there are deficiencies in the medical supplies available in Gaza and continuing requirements for fuel for generators, not least for the hospitals. That is why I and the Foreign Secretary have made repeated pleas to the Israeli Government to recognise their obligations and ensure that the crossings are open for humanitarian supplies.

Mr. Gary Streeter (South-West Devon) (Con): I welcome the pressure that the British Government are putting on the Israeli Government to reopen the crossings and the humanitarian support that we are giving through the non-governmental organisations in Gaza. However, what steps and systems has the Secretary of State put in place to ensure that British taxpayers' money is not being diverted in Gaza to be used to create rockets to be fired into Israel?

Mr. Alexander: I hope that I can give the hon. Gentleman the assurance he seeks. There are clearly established mechanisms, principally through the UN and the ICRC, to provide support. We are providing about £100 million through UNRWA to the Palestinian territories over a period of five years. However, in addition to those assurances, we continue to speak to the Palestinian Authority, principally to President Abbas and Prime Minister Fayyad, and to impress on them the importance of taking forward the work in the Palestinian community to find a way forward, not least in relation to Gaza.

Sir Gerald Kaufman (Manchester, Gorton) (Lab): While the Government's actions on this matter are impeccable and the efforts of Tony Blair are wholly admirable, is it not a fact that only international action can bring to an end the humanitarian disaster caused by collective punishment imposed by the gang of amoral thugs who comprise the Israeli Government and violate not only international law but the historic Jewish conscience?

Mr. Alexander: I know of the long-standing concern about and the interest in the middle east with which my right hon. Friend speaks. The British Government have been unequivocal in stating that Israel should abide by its commitment under the fourth Geneva convention. We recognise the legitimate security concerns of the people of Israel, but it is vital that the Israeli Government act in a way that is consistent with their obligations under international law.

My right hon. Friend made another substantial point about international action, and I welcome the steps taken by the Quartet's special representative and the recent visit to the region by President Bush of the US. The whole international community should speak with one voice to impress on both the Israelis and Palestinians the urgency of finding a way forward in the middle east.

Mr. Michael Moore (Berwickshire, Roxburgh and Selkirk) (LD): We are appalled by the scale of the humanitarian disaster in Gaza, but does the Secretary of State agree that we have reached an extraordinary state of affairs when a UN representative can say:

"Gaza is on the threshold of becoming the first territory to be intentionally reduced to a state of abject destitution, with the...acquiescence...of the international community"?

We all condemn the rocket attacks on Israel, but does the Secretary of State think that the scale of the Israeli response is disproportionate?

Mr. Alexander: I begin by welcoming the hon. Gentleman to his Front-Bench post as Liberal Democrat spokesman on international development. We are extremely concerned by the humanitarian situation. I have seen the reports to which he has referred and which were written by an UNRWA representative. Since July 2007, when the closure regime was tightened, we have made active diplomatic efforts to ensure that the humanitarian situation has eased. In December, I took the opportunity to discuss the Israeli Government's defence posture and humanitarian obligations with Ehud Barak. As recently as last weekend, my colleague the Foreign Secretary raised those matters directly with Minister Livni, the Israeli Government's foreign affairs spokesman.

Mr. David Winnick (Walsall, North) (Lab): At least no one in the House of Commons is trying to defend the Israeli Government's inexcusable actions. Cannot the western powers—certainly this country, and I would hope the US—be much firmer with Israel and say that its actions cause dismay throughout the civilised world? How would Israeli citizens like to be subject to what the citizens of Gaza are subjected to by Israeli occupation?

Mr. Alexander: As I said, we have been unequivocal in urging the Israeli Government to recognise their humanitarian obligations in Gaza. We have also been unequivocal in our support for the Palestinian Authority's efforts over recent months to reform the system of governance in the west bank and to take the peace process forward. Ultimately, both the Palestinians and the people of Israel have legitimate security concerns, but that is no reason why humanitarian supplies should not reach Gaza, nor why rockets should be fired on the Israeli population. It is imperative that all sides recognise their responsibilities, and it is essential that the international community communicates that with one voice.

Afghanistan

2. **Mr. Henry Bellingham** (North-West Norfolk) (Con): When he next expects to discuss aid to Afghanistan with his EU counterparts. [182970]

The Secretary of State for International Development (Mr. Douglas Alexander): I next anticipate holding comprehensive discussions on aid to Afghanistan with my European counterparts at a conference on Afghanistan to be hosted by France this summer. The conference will take stock of achievements to date and donors will make pledges of support to the Afghan national development strategy, the Government of Afghanistan's own five-year strategy for reconstruction and development that is due to be finalised in March.

Mr. Bellingham: I am grateful to the Secretary of State for that reply, but does he agree that it is most unfortunate that President Karzai first criticised British intervention in Helmand province and then vetoed Lord Ashdown's appointment as UN special representative? What will the right hon. Gentleman do to ensure better co-ordination of the aid efforts undertaken by his Department and the hundreds of other aid agencies in Afghanistan?

Mr. Alexander: First, I am sorry that Lord Ashdown has felt obliged to withdraw his candidacy for the post of UN special representative, as he would have served with great distinction and ability in that role. Before he withdrew his candidacy, I had an opportunity to discuss these matters with President Karzai at the end of last week. Although the question of who should be the UN special representative should be discussed with the Afghan Government, the judgment ultimately rests with the UN Secretary-General, with whom I have also therefore taken the opportunity to speak. It is right to recognise the urgency of stronger co-ordination within the donor community, but ultimately the initiative rests with the Secretary-General of the UN.

Chris Ruane (Vale of Clwyd) (Lab): What role does my right hon. Friend think that specific and targeted EU and UK aid can play in reducing Afghan farmers' reliance on growing cocaine and poppies, and in reducing the level of violence in the country?

Mr. Alexander: Inevitably and appropriately, because British troops are serving with such distinction in Helmand, much of the coverage of Afghanistan in

British newspapers focuses exclusively on the counter-insurgency campaign. It is right to recognise that there has been a significant uplift in poppy production in Helmand but, at the same time, there has been a significant increase in the number of poppy-free provinces in Afghanistan. That speaks to the fact that the key to eradicating opium, which will be a long-term endeavour, is making the environment secure and ensuring the rule of law. That is why we stand four-square behind the Afghan Government in their efforts to find a way forward, not simply in the areas affected by the insurgency but more broadly across Afghanistan.

Malcolm Bruce (Gordon) (LD): Will the Secretary of State acknowledge that the recent criticisms voiced by President Karzai and other members of the Afghan Government might have something to do with impending elections? Figures suggesting that UK aid is three times more efficient than American aid reinforce the need to co-ordinate aid and its impact on the ground. Will the Secretary of State use his offices within the international community to engage with other partners to ensure local impact and an understanding by the people of Afghanistan that there is real benefit in partnership, and that a long-term commitment has been made?

Mr. Alexander: The right hon. Gentleman speaks with obvious authority as Chairman of the Select Committee on International Development; which recently visited Afghanistan. I assure him, as I assured the Committee, that we are engaging actively with our American partners. When I visited Afghanistan, I met the American ambassador, and I am in regular contact with Henrietta Fore of the United States Agency for International Development. I assure the right hon. Gentleman that discussions with the Americans are going on at every level about how we can ensure maximum impact for international development assistance to Afghanistan.

Ann McKechin (Glasgow, North) (Lab): In his discussions with his European counterparts, will my right hon. Friend ensure that much greater priority is given to reforming the justice system in Afghanistan? Women there are still arrested and routinely jailed for years simply for running away from home or choosing not to marry the man their families have chosen for them. I ask that the issue of gender be given much higher priority as well.

Mr. Alexander: My hon. Friend speaks with great authority and expertise on these matters. The Americans have led on issues relating to the Ministry of Interior while, within the European Union, our German colleagues have done much on police reform. An active dialogue is taking place in the international community about how best we can support the Afghan Government's efforts. I am encouraged by the recognition at senior levels in that Government of the importance of both the issues identified by my hon. Friend.

Mr. Mark Lancaster (North-East Milton Keynes) (Con): During my service in Afghanistan, I experienced at first hand the challenges of trying to deliver meaningful development on the ground. The keys to success, as highlighted by the Afghanistan compact, are capacity building, co-ordination and a bottom-up approach through the production of community development plans. Tomorrow marks the second anniversary of the signing of the compact, yet the Afghan Ministry of Rural Rehabilitation and Development remains the only vaguely functioning Department in the provinces and only a tiny percentage of communities have produced meaningful plans. Why has so little progress been made, and what specific action does the Secretary of State intend to take to address the situation?

Mr. Alexander: I do not share the universally negative view suggested by the Opposition's Front-Bench spokesman. Of course there is a long way to go and a great deal of work to be done in terms of building the capacity of the Ministries, as I just acknowledged in the case of the Ministry of Interior. On the other hand, real progress is being made. Back in 2001, 900,000 boys were in education in Afghanistan; there are now more than 5 million children in education, and more than 2 million of them girls. More than 9,000 km of roads have been improved since 2001. One force commander told me when I visited Afghanistan that where the roads end, the Taliban begin. Both physical work and social and economic development are under way, but I fully recognise that there is still a long way to go.

Palestine

3. **Mrs. Louise Ellman** (Liverpool, Riverside) (Lab/Co-op): What steps he has taken to ensure that aid allocated to Palestinians is spent on the purposes for which it is intended. [182971]

The Parliamentary Under-Secretary of State for International Development (Mr. Shahid Malik): Aid to the occupied Palestinian territories is subject to the highest possible level of scrutiny. Projects are run by internationally respected organisations, with rigorous checks on each payment and independent auditing. UK aid is spent on helping Palestinians pay for their doctors and teachers, maintain water and electricity supplies and support refugees. In addition, the Department for International Development is supporting programmes to tackle corruption and improve the management of public funds.

Mrs. Ellman: But on 29 December a lorry was found to be taking 6.5 tonnes of bomb-making potassium nitrate into Gaza, disguised in a bag labelled "EU sugar". Again on 14 January a lorry was found to be taking bomb-making equipment into Gaza disguised as aid. In view of that, does my hon. Friend not think that more urgent attention should be given to ensuring that only humanitarian aid goes into Gaza, so that the very genuine needs of the people are met?

Mr. Malik: My hon. Friend rightly highlights the need for constant vigilance where aid is concerned, but it is important to put the matter in context and in perspective. The Israeli authorities accept that the bags had nothing to do with EU projects and were fraudulent. EU aid was thus not misused. Such

opportunistic frauds are an attempt to undermine the peace process. There is also the problem of weapons smuggled through tunnels, and I take her point about vigilance. We are clear that the Palestinian Authority are committed to the middle east peace process and to tackling extremism and terrorism.

Mr. Stephen Crabb (Preseli Pembrokeshire) (Con): What assurances can the Minister give that, contrary to recent reports, no British aid whatever is being used to fund extremist educational materials in the Palestinian territories that indoctrinate children and young people in Palestine with the belief that martyrdom or the murder of apostates is a legitimate political or religious aim?

Mr. Malik: The hon. Gentleman is right to raise the issue, which has been raised a number of times over the past 10 years or so. I can categorically say that UK aid does not fund textbooks or the Education Ministry. The allegations relate to textbooks that were used pre-1994. Since 2002 the Palestinian Authority have had a new national curriculum that is hatred and violence free. Importantly, that has been confirmed by both the European Commission and an Israeli civil society organisation that was commissioned by the US. The United Nations Relief and Works Agency, which we support, supports education in the occupied Palestinian territories and produces textbooks, but they are UN approved and endorsed and are free from extremism and violence.

Richard Burden (Birmingham, Northfield) (Lab): My hon. Friend mentioned UNRWA. Is he aware that John Ging, the UNRWA director of operations in Gaza, came to Parliament in the autumn? Was he not right when he said that the problem with Israel's action is that it

"presupposes that the civilian population in Gaza are either themselves responsible for, or somehow more capable of, stopping the rocket fire than the powerful military of the occupying power"?

Is not the collective punishment being imposed by Israel unjustified? What are the Government doing to ensure that the United Nations passes an appropriate resolution to bring the situation in Gaza to an end, or at least to express much firmer international disapproval of it?

Mr. Malik: We constantly call on all sides in the dispute and conflict to adhere to international law and to respect human rights. Israeli security and justice for the Palestinians will not be achieved by cutting off fuel, closing crossings, or firing rockets. That is a recipe for continued misery on all sides.

Mr. Mark Harper (Forest of Dean) (Con): Given the nature of the Hamas regime in Gaza, can the Minister explain to the House whether the controls on aid going to Gaza are tighter than the controls on British aid going to the west bank?

Mr. Malik: The hon. Gentleman will know that aid to the Palestinian Authority was suspended following the establishment of the Hamas Government in March 2006. All aid to Gaza goes via the temporary international mechanism and is checked and audited by the World Bank or the European Community. Payments for salary allowances are checked against five different internationally recognised terrorist lists. UNRWA also works in Gaza and the budget is approved by the United Nations General Assembly, which has a strong audit unit. Donors such as the UK receive regular financial reports. We are as assured as we can be under the circumstances that aid is going to the areas where it needs to go.

HIV/AIDS

4. **Ms Sally Keeble** (Northampton, North) (Lab): Whether his Department's strategy for tackling HIV/AIDS in developing countries includes measures to support children orphaned, or made vulnerable, by that condition. [182972]

The Parliamentary Under-Secretary of State for International Development (Gillian Merron): Children, including those orphaned or made vulnerable by HIV/AIDS, are at the heart of the UK's strategy for tackling the epidemic and its effect in the developing world. We are committed to spending £150 million to help meet their needs over the three years to 2008.

Ms Keeble: I welcome my hon. Friend to her new position, which I am sure she will find rewarding. It is a very important role. Is she aware that the non-governmental organisations that work on these issues particularly want to see the UK devote 10 per cent. of its funding stream on HIV/AIDS to support for orphans and vulnerable children? Furthermore, they want Government systems to improve to make sure that the aid gets to the orphans. What assurances can she give those NGOs?

Mr. Speaker: Order. This is a supplementary question.

Gillian Merron: I thank my hon. Friend for her kind words of welcome. She is a tireless campaigner on this issue; just last week, she met my predecessor to discuss it. I assure the House that following the public consultation on the UK's strategy for tackling HIV/AIDS in the developing world, we will continue to work and build on what works best so that the needs and rights of orphans and vulnerable children remain absolutely central as we move forward to tackle the issue.

Mr. Andrew Mitchell (Sutton Coldfield) (Con): Will the hon. Lady, whom we congratulate on her promotion, look carefully at the valuable report produced by Business Action for Africa, and note the enormous importance of business and the private sector in the fight against HIV/AIDS—a recognition that has not always been part of the Minister's Department's DNA?

Gillian Merron: I thank the hon. Gentleman for welcoming me to my post and look forward to working with him and his team. I certainly agree about the importance of economic development and growth in combating HIV/AIDS and I look forward to considering the report to which he refers.

Mr. Mitchell: My right hon. Friend the leader of the Conservative party and I have been pressing for clear, interim targets for scaling up access to HIV prevention and treatment. Some 93 countries have now set such targets and 60 have developed national action plans. Does the Minister accept that, without those targets, we will miss the goal of universal access by 2010? Will she ensure that her Department encourages all developing countries to set such targets and develop those plans?

Gillian Merron: I assure the House that we lead the world towards achieving universal access to comprehensive prevention programmes, treatment, care and support by 2010. We remain firmly committed to that goal. I am sure that the hon. Gentleman will remember that the UK has made an unprecedented, long-term commitment of £1 billion to the Global Fund to Fight AIDS, Tuberculosis and Malaria. Indeed, in wanting to strengthen health care systems across the world, our Prime Minister launched the international health partnership initiative in September last year to improve the co-ordination of donors working on health and to support countries to develop better health care systems.

Mrs. Claire Curtis-Thomas (Crosby) (Lab): My hon. Friend will know that accessing health care sometimes depends on being literate. In many developing countries, the level of literacy is incredibly low. In the measures that she is proposing, will my hon. Friend ensure that, as well as the provision of registered sister nurses, there is some incentive to improve literacy in those countries?

Gillian Merron: I certainly share my hon. Friend's views; a boost to education is the most effective and cost-effective means of HIV prevention. We promote that as a major part of our international work in addition to improving people's knowledge, changing their attitude and behaviour, giving women more control over their own lives and promoting the availability and use of condoms.

Humanitarian Assistance

6. **Mr. Philip Hollobone** (Kettering) (Con): Which country received the most humanitarian assistance from the UK in the latest period for which figures are available; and how much it received. [182974]

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): Sudan received the most humanitarian assistance from the UK in each of the last three financial years. It received £78 million in 2004-05, £98 million in 2005-06, and £84 million in 2006-07.

Mr. Hollobone: What steps is the Minister taking to secure greater and far more effective international co-ordination of humanitarian assistance?

Mr. Thomas: I welcome the hon. Gentleman's concern. We have been working with a range of other donors to raise more resources for the United Nations central emergency response fund, to secure more effective humanitarian co-ordinators on the ground, and to enable aid agencies to work much more effectively together in response to emergencies.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [182954] **Mr. Ben Wallace** (Lancaster and Wyre) (Con): If he will list his official engagements for Wednesday 30 January.

The Prime Minister (Mr. Gordon Brown): This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall have further such meetings later today.

Mr. Wallace: Why do the people of Wales have a full-time Secretary of State, while our armed forces and the Scots must make do with a part-timer?

The Prime Minister: The new Secretary of State for Wales has responsibilities in addition to his responsibilities for Wales. He is overseeing the British-Irish Council, he is responsible for the joint ministerial committees on devolution, he is the Minister responsible for digital inclusion, and he is responsible for data security and information assurance. Those responsibilities are in addition to his responsibilities as Secretary of State for Wales.

Q2. [182955] **Mr. Jim Devine** (Livingston) (Lab): Yesterday I met senior managers from Rosyth and Clyde shipbuilding firms, who were delighted about the MOD's investment in their yards. As a result of that investment some 10,000 people are in jobs in Scotland, but the most pleasing aspect of our discussions was the substantial number of apprentices who are now being employed in the shipyards. Does my right hon. Friend agree that investment in training, education and apprenticeships is the way forward for Britain?

The Prime Minister: We want 90 per cent. of our young people to be in apprenticeships, at college or at university by the end of the next decade, and we are doubling the number of apprenticeships so that we can give young people those opportunities. I want to see every young person who has the skill to do so acquire an apprenticeship, whether it is in Scotland, Wales, Northern Ireland or England.

I believe that our policy of expanding investment in education and training is the right one for the future of the country. It is unfortunate that the Opposition are not supporting us, and do not even support education up to the age of 18. We want opportunity for all, not just for some.

Mr. David Cameron (Witney) (Con): For more than three years the Conservative party has argued that we should scrap the form—*[Interruption.]*

Mr. Speaker: Order. The right hon. Gentleman must be allowed to put his question to the House.

Mr. Cameron: —that we should scrap the form that the police must fill in every time they stop someone. It is a foot long, and takes seven minutes to complete. Will the Prime Minister confirm that the Government will now scrap the "stop" form?

The Prime Minister: It is true that for the last three years members of the Conservative party have been arguing among themselves, about Europe and about many other issues. The Flanagan report, published in November, recommended that we reduce and remove the bureaucracy associated with the filling in of forms. Flanagan will publish his final report next Monday. We are taking the action that is necessary, and the right hon. Gentleman should be supporting us.

Mr. Cameron: I know that the Prime Minister is physically incapable of answering a straight question, but this is such a straightforward question. In just one police area in one year the police had to fill in 79,000 forms, using 9,216 hours of valuable police time. Does the Prime Minister accept that the form, introduced five years ago, has been a colossal waste of police time?

Let me ask the Prime Minister the question again. This is the form; will he scrap it?

The Prime Minister: I can only refer the right hon. Gentleman to the Flanagan report, which we accepted in November. It states that the form can be better administered, and that bureaucracy can be significantly reduced. We will publish the conclusion next week.

The right hon. Gentleman knows perfectly well that that is happening. We are taking action.

Mr. Cameron: Why does the Prime Minister not stop flannelling about the Flanagan report and answer the question? This is the form; we think it should go. What does he think? Will it stay—yes or no?

The Prime Minister: Once again, the right hon. Gentleman has prepared his questions yesterday and cannot react to the situation today. The issue is this: our Government are taking action to reduce bureaucracy in the police. There are more police officers than ever before in the history of the country. We have more police officers and more community support officers. That is why, last week, crime was down. Crime is now down 30 per cent. We are the first Government since 1945 to see crime down. He should be congratulating us, not condemning us. *[Interruption.]*

Mr. Speaker: Mr. Ruffley, I cannot always see you because you are behind me, but I recognise your voice. You have got to be quiet.

Mr. Cameron: What people will have heard is that the Prime Minister cannot answer a straight question.

Let us try another one. Keeping our streets safe also means tackling terrorism. Two months ago, I identified and named in this House a number of specific preachers of hate who should not be allowed into this country. Will the Prime Minister confirm that the Government have accepted that as well, and that he will not allow Yusuf al-Qaradawi into Britain—yes or no?

The Prime Minister: An announcement will be made on that very soon. I have to tell the right hon. Gentleman that we do not expel people from this country other than through proper judicial process. In the last two years, 200 people have been expelled from the country: 70 per cent. for unacceptable behaviour, 130 on grounds of national security. We are not slow to expel people who should not be in this country. The fact of the matter is that we have got to go through the proper judicial processes, and he, for one, should appreciate that.

Mr. Cameron: This is not about expelling someone. This guy wants to come to our country, and we do not think that he should be allowed in. He was banned by a former Conservative Home Secretary, so why will the Government not ban him? Let me explain what this man, Yusuf al-Qaradawi, believes. He thinks that gay people should be executed, and encourages people to turn their bodies into bombs. Why can the Prime Minister not tell us his decision now? Does he think that Yusuf al-Qaradawi should be allowed in or not? A simple one—yes or no?

The Prime Minister: He is not in our country; the issue is—*[Interruption.]*

Mr. Speaker: Order. Let the Prime Minister answer the question—*[Interruption.]*—in his way, without jeering him down.

The Prime Minister: In 2006, a decision was made not to exclude al-Qaradawi. We are looking at that again. He has applied to come into this country, and a decision will be made in due course. I have to say that it has to go through the proper judicial processes, but he has not been allowed into this country at this stage.

Mr. Cameron: I think that people watching this will just conclude that this Prime Minister cannot answer a question and cannot make a decision. People are starting to say about this Government, "Never mind the complete lack of vision, never mind the relaunches; just focus on keeping us safe." In a week when the prisons adviser says that they have got no prisons strategy, when President Musharraf says that they have no terrorism strategy and when the only good idea that they have about police reform has come from the Conservative party, should he not just accept that people are not safe under Labour?

The Prime Minister: I want everybody to be safe and feel safe. Crime is down 32 per cent. under Labour. Violent crime is down 31 per cent. under Labour. It is precisely because we want people to feel safe that we are introducing neighbourhood policing. In every area of the country, neighbourhood policing will be introduced over the next few months. The Conservative party should be supporting that. More police than ever before, more community support officers than ever before, more people brought to justice than ever before—that is a record that they could never boast of, but we can say is working.

Chris Bryant (Rhondda) (Lab): The most recent figures on teenage pregnancy show that Britain has the highest rate of any country in western Europe. It also

shows that the map for teenage pregnancy is the same as that for poverty and deprivation. Do not we need to do more to tackle those high rates of teenage pregnancy—I see that the Leader of the Opposition is sniggering; he should not do that because the people of Britain will not take him seriously if he does not take such issues seriously. Do not we need to ensure that every youngster has a chance?

The Prime Minister: As my hon. Friend says, rates of teenage pregnancy are too high in too many areas of the country and we need to take action to deal with that. He has presented proposals this week and we shall look at each one. I believe that the whole country will benefit from a better strategy on teenage pregnancy.

Mr. Nick Clegg (Sheffield, Hallam) (LD): Does the Prime Minister think it acceptable that, at a time when British soldiers' lives are at risk in Iraq and Afghanistan, half their single living accommodation is still of the lowest standard, half our Apache helicopters remain unfit for service, and more than 60 per cent. of Army officers cite military overstretch as a reason for leaving the Army? Is he surprised at the widespread view that he simply does not care about our armed forces?

The Prime Minister: It is precisely because of the backlog in accommodation over many decades that we are spending £5 billion to improve service accommodation. The hon. Gentleman should welcome the fact that, as a result of the spending review, an announcement was made to do that. He should also know that we have ordered additional helicopters for both Afghanistan and Iraq and that there will be more helicopters in the field in the next few months. We are therefore taking action on each of the matters that he mentioned.

I should also remind the hon. Gentleman that defence spending has risen every year under this Government and it will increase in the next few years as a result of the spending review. Defence spending was cut by 20 per cent. between 1992 and 1997 and it is rising under us, but under no Liberal policy could that party ever afford to spend what is necessary on defence.

Mr. Clegg: Why should any British soldier's family take the Prime Minister's word seriously when they feel so let down? Only this week, the Defence Committee produced a report that highlighted drastic shortages in Army medical services. There is a 46 per cent. shortfall in anaesthetists, a 62 per cent. shortfall in orthopaedic surgeons and an 80 per cent. shortfall in radiologists. If the Prime Minister cannot be bothered to provide decent medical care for our servicemen and women, how can he ask them to put their lives on the line for our country?

The Prime Minister: We have been spending substantially more on medical services. I have visited some of them and seen the improvements that have been made. Many people say that Britain has some of the best medical services for members of the armed forces in the world.

I repeat that we are spending more on defence, and we will continue to do that, and that every urgent operational requirement of the armed forces is being met. The hon. Gentleman would not be able to provide the necessary money for the defence forces; because of our economic success, we have been able to do so.

Police Pay

Q3. [182956] **Keith Vaz** (Leicester, East) (Lab): When he last met the Police Federation to discuss police pay.

The Prime Minister: I am in correspondence with the Police Federation about police pay. I have explained to the federation that, as a result of staging public sector pay awards, it was not possible to pay in full the police pay award over the past year. However, I look forward to discussing with the Police Federation a long-term pay deal, which is based on the arbitration award.

Keith Vaz: The Prime Minister knows that, this time last week, almost a sixth of the entire police force of England and Wales marched through the streets of Westminster. May I take what he has just said as an assurance that future awards will be made not on an annual but a longer-term basis, and that they will recognise that, every day, police officers put their lives at risk to protect him, us and the rest of the country in the fight against organised crime and terrorism?

The Prime Minister: I not only have great admiration for the police, but, as I said before, we wanted to pay them more. A national policy to cut inflation meant that every national public sector pay award in which the Government had a role to play was staged over the past year. That is one of the reasons that inflation was brought down. However, I said to the Police Federation in my letter to Jan Berry that I hope that the police will enter into a long-term agreement on pay, based on implementing future years' arbitration awards. The Home Secretary has asked the police negotiating board to consider a multi-year deal. Teachers have already agreed a three-year deal, and the process of agreement will start when the police negotiating board meets on 6 February. I hope that we can make progress.

Engagements

Q4. [182957] **Dr. Vincent Cable** (Twickenham) (LD) *rose*—

Hon. Members: Hooray!

Dr. Cable: After yesterday's warning from the financial regulator that 1 million homes are at risk of repossession and that negative equity has returned, will the Prime Minister now admit that he was wrong and complacent in dismissing as scaremongering the warning from our Benches and others that his reckless boom, based on lending, was going to lead to bust?

The Prime Minister: It is nice to welcome the hon. Gentleman back. Even his own party may be pleased to see him back in the position of asking me questions. However, he has misunderstood yesterday's Financial Services Authority report. The fact of the matter is that mortgage repossessions over the past four years are a fifth of what they were in the early 1990s, that mortgage rates have averaged 5 per cent. where they averaged 11 per cent. in the period before 1997, and

that there were half a million people in negative equity under the Conservative Government. There are more home owners in Britain now than ever before. I hope that the hon. Gentleman will see on reflection that it is because we have a policy for low inflation, have maintained low interest rates, have rising employment and have avoided any quarter of recession in the past 10 years that we can tell people that we will steer them through the difficult times. That could not be said of any other party in the House.

Q5. [182958] **Mr. Robert Flello** (Stoke-on-Trent, South) (Lab): Many of my constituents are concerned about hospital-acquired infections, but today the Health Protection Agency published figures showing a dramatic improvement in the rates of MRSA and C. difficile following the deep clean of our hospitals. Will my right hon. Friend join me in congratulating our health workers on their hard work, despite the cynicism of the Opposition?

The Prime Minister: Since June last year, we have put in an extra £50 million, so that we could inspect wards and improve infection control. We doubled the improvement teams in our hospitals and we have now introduced a new dress code. There will be screening in the future, while deep cleans, which the Opposition described as a gimmick, are already under way. We will always be vigilant. Matron numbers are to be doubled to 5,000. For those reasons, we can now report that MRSA infections are down 18 per cent. on the last quarter and that C. difficile infections are down 21 per cent. We are making progress and we will continue to make progress in the next year.

Mr. Bernard Jenkin (North Essex) (Con): Is the Prime Minister aware that when the Defence Committee visited Afghanistan last summer, President Karzai made it clear to us that he wanted a high-profile international envoy to help co-ordinate the international effort there? Will he convey to President Karzai our disappointment that Paddy Ashdown has been refused? Will he also explain to the House what action will now be taken to co-ordinate the international effort in Afghanistan, for which so much sacrifice has been made?

The Prime Minister: I met President Karzai last Friday and talked to him about those very issues. The fact of the matter is that the decision is for the UN Secretary-General, after consulting all the coalition forces. That consultation is still taking place. I believe that Lord Ashdown would have been a great candidate for the job, but there has to be agreement among all those people involved, and that includes the decision by the UN Secretary-General. I hope that we will have a strong development co-ordinator, as the hon. Gentleman wants.

Q6. [182959] **Mr. Andrew Dismore** (Hendon) (Lab): Will my right hon. Friend personally congratulate Chief Superintendent Steve Kavanagh, his officers and police community support officers, and especially the safer neighbourhoods teams on their achievement in cutting crime in Barnet by 8.6 per cent. so far this year, on top of 16 per cent. last year, with 24.6 per cent. in total? That is one of the best records in the Met. With 5,600 extra officers and 3,700 PCSOs in London provided by the Mayor, what does my right hon. Friend think the result will be of the cuts in the budget proposed by the Tory candidate for London Mayor?

The Prime Minister: In the London area alone, there are 6,000 more police than there were in 1997. As my hon. Friend rightly said, in graphic detail, crime is down in his constituency. The choice in London will be between an administration that wants to employ more police and wants to get crime down, and what the hon. Member for Henley (Mr. Johnson) has said, which is that he wishes to cut spending on the Metropolitan police. That would be disastrous for the police, disastrous for London and bad for the whole country.

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): Before Christmas, the Justice Secretary said that his Department would be building three so-called titan prisons. This morning, he said that those prisons "may" now be built. Will the Prime Minister tell the House whether this is a titanic failure or a titanic U-turn?

The Prime Minister: We will go ahead with these prisons following the consultation that my right hon. Friend said would take place.

Q7. [182960] **Dr. Ashok Kumar** (Middlesbrough, South and East Cleveland) (Lab): Will my right hon. Friend join me in congratulating South Tees Hospitals NHS Trust, which has recently been named as one of the top health trusts in the country by the *Health Service Journal*? Will he reassure me that this Government—our Government—will provide all the financial support necessary for the trust to flourish and maintain its excellence in serving my constituents?

The Prime Minister: It is because there are 80,000 more nurses and 20,000 more doctors that we are making progress on waiting times and waiting lists. It is because of that that the rates of cancer are down and we are making progress on stroke and heart disease. My hon. Friend is right to refer to the award that has been won by the trust in his area. I congratulate the trust, and I congratulate my hon. Friend on pushing for more resources for the health service.

Mark Hunter (Cheadle) (LD): In light of the Government's decision to ignore the findings of the independent arbitration tribunal on police pay, will the Prime Minister please explain to the House what would be the point of any future pay disputes being taken to independent arbitration?

The Prime Minister: We made it clear throughout the whole year that we were staging public sector pay awards in the interest of getting inflation down. I have to say to the hon. Gentleman that the Bank of England, in its recent report, said that this was one of the reasons why inflation now stands at 2 per cent. in Britain while it is 4 per cent. in America and 3 per cent. in the rest of Europe. While we wanted to pay the police more, it was necessary in the interests of national policy to get inflation down so that we could reduce interest rates, as we have done over the last few months of the year. The Home Secretary has, however, written

to the Police Federation, and I have followed that up with a letter in the past few days in which we say that we look forward to a long-term pay deal based on the full implementation of the arbitration award.

Nottingham

Q8. [182961] **Mr. Graham Allen** (Nottingham, North) (Lab): If he will visit Nottingham soon to launch Nottingham as an early intervention city.

The Prime Minister (Mr. Gordon Brown): We are building Sure Start centres in my hon. Friend's constituency, and we will continue to invest in under-fives provision. I congratulate him on pushing for that in his constituency.

Mr. Allen: The Prime Minister is aware of the massive financial costs of failing to raise our young people properly. These include the cost of prisons, policing, drug rehabilitation and a lifetime on benefits. Does he agree that a better way is to intervene early and invest to save, by providing effective prenatal services and intensive health visiting and by comprehensive parenting skills being taught to all teenagers? Will he consider making such an early intervention strategy the centrepiece of the next comprehensive spending review, so that we can tackle once and for all the intergenerational nature of these problems that afflict our young people?

The Prime Minister: Let me say also that I look forward to visiting my hon. Friend's constituency. I pay tribute to the work that he has done on making an issue of greater provision for the under-fives. This is part of the work that we are doing as a result of the comprehensive spending review. Our aim is to ensure that, for those children under five, any disadvantages that were previously built into their upbringing and prospects are removed as a result of Sure Start and other measures. I gather that there are 11 Sure Start centres in Nottingham already, and we are going to improve the numbers over the next few months. I also believe that Nottingham will be one of the first local authorities to benefit from the Every Child a Reader programme. We will do everything that we can to give more chances to every child under five in the country.

Engagements

Q9. [182962] **Mr. Tom Clarke** (Coatbridge, Chryston and Bellshill) (Lab): In view of the disturbing events that continue in Kenya, including the massacre of women and children, tribal conflict and the assassination of an Opposition Member of Parliament, will my right hon. Friend continue to support the efforts of the international community and Kofi Annan to reintroduce peace and democracy to that country?

The Prime Minister: I am grateful to my right hon. Friend, who has taken a long-term interest in Kenya and in what happens in Africa. I talked to Kofi Annan and to Graça Machel, the mediators, last evening. I wanted them to send three clear messages to the Kenyan regime. The first is that democracy is not defended by killing people, and that those who are behind the violence will be held to account in the future. Secondly, dialogue and negotiation are the only way forward in resolving this crisis, and Kenya's politicians must now show the leadership that the Kenyan people want. European Foreign Ministers have made that clear, as did European leaders in a statement last night. Thirdly, the international community will not let the people of Kenya down. We have given £2 million to the Red Cross to help to relieve urgent humanitarian needs, and we will do everything we can through the Department for International Development to provide help to those who have been displaced and harmed. We also stand ready to provide financial support to a genuinely representative Government who are prepared to put the interests of the people of Kenya first.

Sir Patrick Cormack (South Staffordshire) (Con): How does the Prime Minister reconcile his assertion that Parliament should be at the centre of our national life and his promise that the European Union (Amendment) Bill would have full consideration in this House with the draconian timetable motion that we have had thrust upon us this week?

The Prime Minister: The Bill is being discussed in very great detail. It was discussed last week, it is being discussed this week and it will be discussed next week and the week after that. I think that the country will know that there has been full and detailed discussion of every aspect of this legislation.

Q10. [182963] **Michael Connarty** (Linlithgow and East Falkirk) (Lab): With the energy supply companies, including Scottish Gas, putting up domestic fuel charges by at least 15 per cent. at the same time as Scottish Gas declares an obscene 636 per cent. rise in profits to £700 million—proving, as Energywatch said, that the market is rigged against the public—surely it is time for Ofgem to return to its original role of restricting the price rises of these rip-off suppliers. What is the role of the regulator if not that?

The Prime Minister: The regulator has been asked by the Chancellor of the Exchequer to look into all those matters. The fact is that there has been a 60 to 80 per cent. increase in coal, gas and oil. We cannot deny that those increases are taking place in every country in the world, causing inflationary pressures, including on ordinary consumers. We have the winter allowance in place, which provides £300 for pensioners over 80 and £200 for those over 70. The energy companies have been asked to provide additional money, which is being raised from £40 million to £56 million, to support consumers and we will also do more to help fuel-efficient provision of energy services for households under the Warm Front programme. That will help people to insulate and draught-proof their homes. More money will be going into that in the next few years. We continue to look into all those aspects of the problems people face as a result of energy bills and we will make further announcements to the House.

Mr. Nicholas Soames (Mid-Sussex) (Con): The Prime Minister may be aware that the Post Office earmarked four post offices for closure in the Mid-Sussex constituency. It invited a detailed consultation for six weeks, to which

there were more than 6,500 replies—all unreservedly in favour of retaining those post offices. On Tuesday, however, the Post Office announced that they are all to be closed. Why does the Prime Minister allow his Government to be party to such a rotten deceit of the public in respect of that consultation?

The Prime Minister: We have made available £1.7 billion to help post offices in this country and we will continue to make money available for Post Office services. There is a process of consultation and an appeals system, although I do not know whether it was taken up. I urge the hon. Gentleman to meet the Minister in charge of the Post Office. We are listening to what people say, but the fact of the matter is that many post offices are not used in any great detail. We will continue to put the money in to help the Post Office service.

Q11. [182964] **Martin Salter** (Reading, West) (Lab): Will the Prime Minister find time to examine the evidence heard yesterday by the Home Affairs Committee on how the Government's own forced marriage unit cannot get even its own posters advertising advice and support for young people into local schools for fear of upsetting local opinion? Will he ask the Secretary of State for Children, Schools and Families to investigate this problem and introduce new guidelines to ensure that support services are available to young people at risk of being forced into marriages against their will?

The Prime Minister: I am extremely concerned by what was said there and by what my hon. Friend now says. I believe that Ministers with responsibility for schools will want to look further into this. Indeed, we will do so and report back to the House.

Willie Rennie (Dunfermline and West Fife) (LD): The Prime Minister will understand the importance for his constituency and mine of the construction of the two new aircraft carriers. Will he therefore explain why, although the Defence Secretary agreed the go-ahead for those aircraft carriers last July, the contracts for their construction have not yet been signed?

The Prime Minister: We were able to announce the two new aircraft carriers. They will benefit not only Rosyth, but many shipyards around the country. We are in the process of agreeing contracts to go ahead with them, and I assure the hon. Gentleman that it is our intention to go ahead with those contracts.

Q12. [182965] **Mark Lazarowicz** (Edinburgh, North and Leith) (Lab/Co-op): The Royal Hospital for Sick Children in Edinburgh is renowned for the quality of the medical treatment and care it gives to its young patients, but as a result of a review being carried out by the Scottish National party Administration in Edinburgh it is currently facing downgrading, and in particular the loss of its children's cancer services. Will my right hon. Friend join me in paying tribute to the work of the hospital staff over many years, and in congratulating the Edinburgh *Evening News* on its "hands off the sick kids" campaign, to reflect the public concern over this threat?

The Prime Minister: I gather that the Scottish National party does not want this issue to be raised in the House of Commons. I have some knowledge of the Royal Hospital for Sick Children. It has given service to the community over many decades, and it is valued in the community. Unfortunately, the rate of increase of expenditure on health care in Scotland is not now the same as the rate of increase in England. That is the unfortunate result of policy decisions made by the SNP.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): I must tell the Prime Minister that Shropshire's local education authority is ranked 145th out of 149 LEAs for funding, and that all Shropshire MPs have to fight tooth and nail to save our primary schools in small rural villages. When will the Prime Minister give fairer funding to rural shire counties such as mine to sustain rural village schools, and not pour money into Telford? Why should Telford have £200 more than Shrewsbury?

The Prime Minister: We have doubled expenditure on schooling. We continue to increase the amount of money that is spent on education. If the hon. Gentleman wishes to increase expenditure on education, he had better change the policy of his Front Bench, who have opposed our increases in money for schools.

Points of Order

12.31 pm

Mr. Boris Johnson (Henley) (Con): On a point of order, Mr. Speaker. Since I am sure that the Prime Minister inadvertently misled the House when he said I wanted to cut spending on—*[Interruption.]*

Mr. Speaker: Order. I need to hear the hon. Gentleman's point of order. I am the only one who has to stay and listen to it.

Mr. Johnson: I thank you, Mr. Speaker, for staying. Since I am sure that the Prime Minister inadvertently misled the House when he said that I wanted to cut spending on the Metropolitan police, and since that is the exact opposite of the case—I want to get more police officers out on the beat to reverse the rise in violent crime over the past eight years and to restore to our streets, buses and station platforms a sense of safety and security—will you, Mr. Speaker, ask him to come as soon as possible to this Chamber to rectify that mistake?

Mr. Speaker: The hon. Gentleman has put the record straight—and very swiftly at that.

Mr. Neil Turner (Wigan) (Lab): On a point of order, Mr. Speaker. I seek your guidance on the actions of Members in relation to the work they do in other Members' constituencies, and in particular on the actions of the hon. Member for Lancaster and Wyre (Mr. Wallace) in relation to the Tote in the Wigan constituency. The hon. Gentleman approached the *Wigan Evening Post* representative in the Press Gallery, and the paper ran a story about 650 job losses in Wigan because of the Tote being auctioned off to the private sector. I understand that the hon. Gentleman lists the Tote as paying him money in order to—*[Interruption.]*—bat on its behalf in his entry in the Register of Members' Interests, but, on the Monday following the story the Tote main board issued a statement refuting what the hon. Gentleman had said and saying that the story was untrue. Therefore, he was clearly not acting on its behalf at that time. At that time—

Mr. Speaker: Order. The hon. Gentleman must give me clarity: what is his point of order? I have to be careful that a Member is not being attacked through the method of a point of order.

Mr. Turner: The point of order is whether or not it is right for an hon. Member from another constituency to brief the press about a false story, which has put fear into people and has undermined my work and that of my right hon. Friend the Member for Makerfield (Mr. McCartney) in our constituencies. That is interfering in the actions of my constituency, and it is against the rules of this House.

Mr. Speaker: Having heard the circumstances, I must say that that is not a point of order—it is not a matter for the Chair. I make an appeal to hon. Members. I receive correspondence about comments made regarding one another's constituencies, but it is best if the Speaker is not drawn into those matters. It is best if local MPs, regardless of party differences, can resolve the matters themselves without raising them on the Floor of the House. The matter ends there. It is not a point of order.

Ms Dawn Butler (Brent, South) (Lab): On a point of order, Mr. Speaker.

Mr. Speaker: Order. I hope that the hon. Lady is not telling me about points of order, because I have forgotten more than she will ever learn about these matters.

Ms Butler: Sorry, Mr. Speaker. It is just that Opposition Members do not listen to the rules of the House. I concur with my hon. Friend the Member for Wigan (Mr. Turner) about Opposition Members coming into my—

Mr. Speaker: Order. Let me stop the hon. Lady there, because some of the correspondence to which I was referring is about wee local difficulties just north of this House, and I do not want to know about them. That is what I am trying to tell hon. Members—do not draw the Chair into these matters.

Mr. Ben Wallace (Lancaster and Wyre) (Con): On a point of order, Mr. Speaker.

Mr. Speaker: In fairness to the hon. Gentleman, I shall hear what he has to say.

Mr. Wallace: I am sure that the hon. Member for Wigan (Mr. Turner) did not mean to mislead the House, but he made an allegation that I received payment from the Tote and that that was in the Register of Members' Interests. Of course when he examines the register, he will see that no such entry exists—nor did I receive any such payment. Would he perhaps take the opportunity, to withdraw that scandalous allegation?

Mr. Speaker: I consider that the hon. Member for Lancaster and Wyre has put the matter straight.

Mr. Wallace: He should withdraw it.

Mr. Speaker: Order. As I said, it was not a proper point of order, but the hon. Gentleman has put the matter clearly on the record.

Clive Efford (Eltham) (Lab): On a point of order, Mr. Speaker. It is right, is it not, that no Member should attempt to mislead this House? The hon. Member for Henley (Mr. Johnson) commented on what the Prime Minister said, but it should be recorded that in fact it was the Conservatives in the Greater London authority who opposed the introduction of safer neighbourhood teams.

Mr. Speaker: Order. What the hon. Member for Henley said was perfectly in order. He said that the Prime Minister may have "inadvertently" misled the House. Often it is the words that we use in this place that keep us in order, and he used the term "inadvertently".

Philip Davies (Shipley) (Con): On a point of order, Mr. Speaker. The Prime Minister reiterated his intention that the European Union treaty should be debated at length and line by line—

Mr. Speaker: Order. We are not going to extend Prime Minister's Question Time—try that one next week, and who knows.

Mrs. Claire Curtis-Thomas (Crosby) (Lab): On a point of order, Mr. Speaker. I should like to draw your attention to the fact that during International Development questions we only got as far as Question 6. Would you try to do what you can to ensure that we make progress in these matters?

Mr. Speaker: I always do. Of course, the hon. Lady will know that I called her on a supplementary, and that takes up time. If she did not stand, I would move on quickly, but that is not the point of the House, is it? The point of the House is to find a balance between getting through the Order Paper and allowing hon. Members to have their say.

Mr. Andrew Dismore (Hendon) (Lab) *rose*—

Mr. Ian McCartney (Makerfield) (Lab) *rose*—

Mr. Speaker: I hope that the right hon. Member for Makerfield is not going to bring up the Tote again. I call Mr. Dismore.

Mr. Dismore: Further to the point of order made by the hon. Member for Henley (Mr. Johnson), Mr. Speaker. I believe that I first raised the question of cuts in the police according to his policy, and that was based on a report in the *Evening Standard*—

Mr. Speaker: Order. We are not getting into that.

Mr. McCartney *rose*—

Mr. Speaker: Mr. McCartney, I hope that we are not going the re-open the matter of the Tote. I know that you are a constituency neighbour of the hon. Member for Wigan (Mr. Turner), but if this is not a point of order, I shall stop you, albeit reluctantly.

Mr. McCartney: May I reassure you, Mr. Speaker that the way in which I will put this matter is in order? It is in order to raise this point of order. The hon. Member for Lancaster and Wyre (Mr. Wallace) is not a constituency—

Mr. Speaker: Order. It is not a point of order.

/Sale of Wine (Measures)

12.39 pm

Greg Mulholland (Leeds, North-West) (LD): I beg to move,

That leave is given to bring in a Bill to require licensed premises which sell wine by the glass to offer measures of 125ml.

The current regulations state that wine that is not pre-packed must be sold by the bottle, by the glass in measures of 125 ml, 175 ml or multiples thereof, or by the carafe. The Bill would simply require all licensed premises to offer a 125 ml measure in addition to the other sizes specified in the legislation. That is important because there has been a move in recent years to serve only larger sized glasses of wine in bars and pubs.

I used to work in marketing, including for several leading marketing agencies, among whose customers were several leading pub companies, including bar and pub chains, so I know from my own experience that some of them made a deliberate policy decision to get rid of the 125 ml size and serve only the larger 175 ml and 250 ml glasses. Increasingly, therefore 175 ml has become the standard size or—awful word, but now often used in our increasingly Americanised language—regular size. The 250 ml measure then becomes a large size.

The introduction of the larger glass sizes has had something to do with changing wine-drinking habits, as wine drinking in pubs has become more popular, and indeed we have seen the quality of wine improve dramatically in the licensed trade, which is a very good thing. But it is of course also about money. If people can be persuaded to "trade up", to use the business term, bigger glasses equal higher prices and greater profit.

The psychology is clear. People do trade up. Often people order "large" as the default measure—a group of young women egging each other on Friday night after work, a boss not wanting to look stingy buying drinks for his staff or a man wanting to impress on a first date. The trend is not universal, and 125 ml glasses are still served in many individual licensee pubs and in many community pubs, but the serving of only the larger measures has become standard practice and actual policy. The introduction to the "The Good Pub Guide 2006" says:

"This year we have spotted an unnerving trend for pubs to push up the size of their wine glasses, and of course the price of what's inside them. A standard glass of wine was 125ml...Now, many pubs use a 175ml glass as standard...To them, a large glass is 250ml, or a third of a bottle. This isn't generosity, it's just a way of getting more money into their tills, leaving many customers drinking more than they want to, and perhaps if they are driving, more than is safe. We suggest all pubs selling wine use the 125ml glass as their standard size."

There are two issues at the heart of this Bill. The first relates to alcohol awareness and health, and the second is consumer choice. The 2006 survey by the Office for National Statistics said that 36 per cent. of people who had heard about the Government's guidelines on drinking could not say what they were. About a third of frequent beer drinkers and a quarter of frequent wine drinkers are not aware of the number of units that they are drinking.

The rules of thumb, on which people used to rely, have become increasingly outdated. People often wrongly assume that a glass of wine is about a unit. That was based on a 125 ml glass, but when that is not offered, people think that a glass of wine is the standard measure available, now usually 175ml.

Wine is also stronger than it used to be. A new way of representing alcohol consumption has been introduced, and that is a positive step. Now, a 125ml glass of 12.5 per cent. wine is deemed to be 1.5 units, a 175ml glass of the same wine is 2 units and a 250ml glass is 3 units. However, when the smaller glass sizes are not on offer, people fall into the trap of thinking, "I just had a few glasses of wine last night," when, in fact, if they had three large glasses, they had a whole bottle of wine. Alcohol Concern backs that up, saying:

"Given the wide range of volumes provided on licensed premises... this creates a great deal of scope for confusion and accidental harmful drinking. A possibility that is now all the more likely given the normalisation, in many establishments, of large glass sizes".

In the context of recent surveys and figures showing increasing health problems caused by excessive alcohol consumption, particularly of wine, women are of particular concern. Sixty-nine per cent. of women in this country drink wine and 55 per cent. of wine purchased in pubs in the UK is bought by women. Women are drinking more than ever before and it is having an effect on their health. Cases of liver disease in women aged 25 to 34 have doubled in the past decade. Alcohol Concern suggests that drinking two to five units per day increases the risk of breast cancer to 41 per cent. The incidence of breast cancer has increased by 12 per cent. in the past 10 years, with alcohol related to 4[illegible]er cent. of cases.

The Bill is also about choice. If a wine-drinking customer wants to have only a small glass of wine, just as someone may want only half a pint of beer, he or she will be able to do so. If customers want the larger sizes, they will be able to have them, but at least they will have the information that they are larger. Consumer education is also important, and many pubs and bar chains clearly advertise how many units are in each glass size, which is to be commended.

Let me say what the Bill is not about, lest there be any misrepresentation of it. It is not a means to stop licensed premises serving larger glasses, or to say that customers should not be offered a choice of sizes. It will not require pubs and bars to invest in new glasses: a 125 ml measure can be, and indeed often is, served in a 175 ml glass. Nor will it—or should it—stop customers who wish as a group to buy a bottle of wine, with a glass for each of them; that might give them the choice of having six 125 ml glasses, rather than four 175 ml. The Bill is not about decreasing choice for customers; it is about increasing choice for customers, as well as giving them better, clearer and more standardised information about what they are consuming.

I am delighted to have the support not only of right hon. and hon. Members in all parts of the House, but of related organisations. Tacade, which promotes the health and well-being of children and is at the forefront of alcohol education, fully supports the Bill, saying:

"Selling wine by the 125 ml glass would help enable people to have a better understanding of units of alcohol and adhere to the government's safe, sensible drinking guidelines".

Alcohol Concern states:

"In our view it is reasonable to demand that, as responsible vendors, licensees provide genuine choices for their customers by offering both small and large glasses. As such, we urge you to support it into a second reading."

The editor of "The Good Pub Guide", Fiona Stapley, says

"We absolutely agree with the sale of wine measure bill."

I believe that this House and, indeed, the Government are committed to encouraging responsible drinking and to tackling the problems that arise when the guidelines are not followed. I therefore hope that the Government will genuinely embrace my Bill. There is no quick fix for the problems that we have seen recently in our towns and cities, but the Bill proposes a simple measure that could contribute to better awareness of alcohol consumption and the need to monitor it. That problem has already been highlighted by the Minister of State, Department of Health, the right hon. Member for Bristol, South (Dawn Primarolo), who said:

"Larger glass sizes and higher alcohol content of wine in particular over a number of years mean more of us are drinking more than we think."

I hope that the Government will listen to the organisations that have backed the Bill and to the various experts from the licensed trade and the health sector, and that they will seriously consider incorporating the Bill into the Government programme.

Question put and agreed to.

Bill ordered to be brought in by Greg Mulholland, Dr. Richard Taylor, John Thurso, Mr. Andrew Dismore, Mr. John Grogan, Lorely Burt, Peter Luff, Mr. Don Foster, Dr. Howard Stoate, Kelvin Hopkins, Mr. Nigel Evans and Peter Bottomley.

Sale of Wine (Measures)

Greg Mulholland accordingly presented a Bill to require licensed premises which sell wine by the glass to offer measures of 125ml: And the same was read the First time; and ordered to be read a Second time on Friday 20 June, and to be printed [Bill 64].

Treaty of Lisbon (No. 2)

(2ND ALLOTTED DAY)

Mr. Speaker: I inform the House that I have selected the amendment in the name of the right hon. Member for Richmond, Yorks (Mr. Hague).

12.50 pm

The Secretary of State for Business, Enterprise and Regulatory Reform (Mr. John Hutton): I beg to move,

That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning energy.

It is a great pleasure to introduce this important debate about energy. That is, of course, its theme. The twin challenges of tackling climate change and energy security are perhaps two of the biggest challenges that this generation of European politicians and leaders must resolve. If we are to succeed in resolving them, we will need tough and effective action, at both a national and global level. In particular, if we are to respond to those challenges, they call for closer co-operation between members states of the European Union. That is why I strongly support ratifying the treaty of Lisbon. I want the United Kingdom to continue to play a leading role in shaping our response to both those significant energy challenges. It is the view of Labour Members and, I believe, of other hon. Members that we can best do that by passing the European Union (Amendment) Bill and by ratifying the treaty. The case for doing so is compelling.

The treaty enables the European Union to move on from years spent debating institutional reform to look out on the world, not in on ourselves, and to deal with the issues that matter to the people of Europe. The efficient and secure supply of energy will be critical to our economic performance in the coming decades. Building European Union institutions that are better able to function more efficiently, negotiate more effectively and respond more quickly to the needs of its citizens must be our collective aim. However, that chance will be squandered if Opposition Members are allowed to get their way. We cannot afford to spend the next decade looking inward or retreating to the margins of influence in the European Union, as some would like.

Mr. Mark Harper (Forest of Dean) (Con): Given that the Secretary of State says that there is a compelling case, will he explain why the Government originally opposed the powers and wanted them removed from the treaty, and said that they were completely unnecessary because all the necessary powers were already in existing treaties?

Mr. Hutton: I shall come on to that point. The important thing about the treaty of Lisbon—I hope that this reassures the hon. Gentleman—is that all the energy red lines are fully reflected in it. Let me set out the three most important ones. First, the treaty protects and secures our rights over our national oil and gas reserves. I would have thought that he supported that. Secondly, it will make sure that we can always act to ensure security of supply in emergencies. I would have thought that a Conservative Member of Parliament supported that. Finally, the new article will not impede progress in opening up EU energy markets. We hear a lot—rightly so—from Conservative Members about the importance of energy liberalisation. That is why the treaty of Lisbon is important and why we are right to introduce it in the way that we have.

Mr. Harper: May I come back to the Secretary of State on that?

Mr. Hutton: No.

Mr. Mike Weir (Angus) (SNP): I am interested in what the Secretary of State says about the liberalisation of markets. Clearly, that is the important issue from the European Commission's point of view. How will the treaty encourage that given the Commission's proposals for unbundling ownership are being strongly resisted by France and Germany?

Mr. Hutton: I shall come on to energy liberalisation. It is right to point out that the Commission's current proposals are being strongly resisted by a number of member states. The important lesson that I draw from all of this is that we would not have reached this point in what I hope will be a substantial transformation of the EU energy market if it were not for qualified majority voting. It has provided a strong stimulus for reform of this important sector of our European economy. As I said, it would not have been possible to have reached this stage if it had not been for qualified majority voting.

If we were to follow the advice of those on the Conservative Front Bench—I accept that not all Conservative Members feel the same way—we would be looking forward to a decade of introspection in the European Union, which would be damaging both to the EU and also, in particular, to the interests of the United Kingdom, which is my principal concern. I find it genuinely hard to understand the position that the Conservative party—officially, at least—is taking for two reasons. First, it wants to disown its role in relation to the Single European Act and the Maastricht treaty, both of which were in Britain's long-term economic and political interests and both of which rightly involved, in my view, extensions to majority voting in the Council. We would not have seen the opening up of markets in Europe without qualified majority voting.

However, if that were not bad enough, there is the second problem with the Conservative party's position, which is that it now wants to blight Britain's future in the new enlarged European Union by renegotiating the basis of Britain's membership. It is that deadly combination of disowning the past and blighting the future that shows how grotesquely out of touch those on the Opposition Front Bench have become. *[Interruption.]* I believe that howling at the moon, which is the best description that one can give of the Conservatives' policy on Europe, is no rational substitute for a sensible policy on Europe, but I am afraid that that is all we hear today from most Conservative Members.

Mr. Harper: Will the Secretary of State give way?

Mr. Hutton: No. The hon. Gentleman has had his go.

An enlarged but more effective European Union, because of the treaty, can help to support our national and global energy priorities.

More than 50 years ago, the founders of the European Union recognised the critical importance of energy, then in the form of coal, to the economic and political security of Europe. Coal and steel were identified as the two raw materials crucial to power and industry in the Europe of the time. Today, against an increasingly competitive and politicised energy landscape, energy sources are even more critical to the continued economic success of European Union member states.

In recognition of that, the Lisbon treaty establishes a specific article—176—for energy policy, to give any energy measures passed at the EU level a specific legal base for the first time. Previously, the European Union could introduce directives on energy only by using other related articles, the most common of which were article 95, to do with the approximation of laws for the internal market, and article 175, dealing with the environment. Existing legislation passed under other articles include directives on the internal market in gas and electricity, under articles 47(2), 55 and 95, directives on the promotion of renewables and co-generation and on energy end-use efficiency and energy services, and the directive on the EU emissions trading scheme, all of which were made under article 175. Without a separate article, considerable time has undoubtedly been spent by the Commission, officials, national institutions and lawyers on looking inward at the bureaucracy of the EU rather than on discussing how we can deal with our energy challenges.

I believe strongly that there is therefore a need to turn the aspiration of open competitive markets that secure affordable energy supply while working towards a global low-carbon economy into increased and better-focused action at an EU level.

Supply disruptions to any one member state affect the European market as a whole and demonstrate that long-term bilateral contracts alone cannot wholly insulate countries from the impacts of supply tightness across the EU. The new separate article will make it easier for member states to discuss the issues in more depth and to work on delivering the energy solutions that we need. It will help to ensure that EU energy policies are clear, coherent and, we hope, mutually reinforcing.

The new article will aim to do four things: ensure the functioning of the energy market; ensure security of energy supply in the EU; promote energy efficiency and energy savings and the development of new and renewable forms of energy; and promote the interconnection of energy networks.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): Will the Secretary of State clear up some confusion? There seems to be an argument over the security of the energy supply, the stocks being held and the oil supplies, but it seems to me that the provision is perfectly reasonable. Can he tell me why it is coming under criticism?

Mr. Hutton: I shall try to deal with that point, but I think that the criticism is coming from others, not from us. It is important to emphasise that it is clear that matters such as energy stockpiles are taken under QMV. That has been the position since the treaty of Nice. Perhaps this will answer my hon. Friend's point: the European Union will not have control of the UK's energy stockpiles. We will be required, rightly and sensibly, to maintain such supplies, but they will remain under UK control and nothing in the treaty affects that. I know that the Opposition Front-Bench spokesmen, at least, want to make such an argument, but those who have done so have not understood article 176 and its clear and express provisions.

We have also been able to ensure that the UK continues to have the right to determine the conditions for exploiting our natural energy resources, our choice between different energy sources and the general structure of our energy supply. Article 176 secures Britain's energy red lines in the way that I have described, safeguarding the British national interest in the process.

Mr. Graham Brady (Altrincham and Sale, West) (Con): Obviously, we are here in an effort to understand the detail of article 176 and its implications for the United Kingdom. Can the Secretary of State explain his interpretation of what would happen in the event of a conflict between the goal of energy security at an EU level and at a national level, given that the EU would be given legislative powers under the article?

Mr. Hutton: It is important to understand that this section of the treaty of Lisbon is essentially a consolidation exercise in relation to QMV rather than a significant extension of it. The importance of article 176 has to be properly understood by Conservative Members if they are to sustain their criticisms.

The treaty contains a proper recognition in the laws of the EU, for the first time, of the sovereignty of member states over their national resources. That will trump any other provision in the treaty and ensure that the powers on QMV have to be exercised against the background of the clear wording of article 176.

Mr. David Heathcoat-Amory (Wells) (Con): The Secretary of State says that this is a consolidation exercise, but he knows that there are two new solidarity obligations—one in article 175 and one in amended article 100—to deal with periods of crisis. Given that the obligation could incur infraction proceedings by the Commission and, if judiciable, by the European Court of Justice, how does the Secretary of State think it might affect our freedom to supply oil, for example, to an non-EU member state in times of crisis—perhaps to another NATO member—rather than to other member states under the solidarity clause?

Mr. Hutton: I think I understand the point that the right hon. Gentleman is trying to make. In this context, we are essentially talking about situations with which we have become all too familiar—those in relation to terrorism, and so on. I would have thought that there was a palpable case for co-ordinated action across the EU to deal with such issues. In relation to his point about social cohesion and solidarity, of course it was Maastricht that extended the activities of the Community in many areas, including in the field of

[Mr. Hutton]

energy. I am sure he will correct me if I am wrong, but I understand that he voted for the Maastricht treaty and supported it.

Mr. Heathcoat-Amory: The Secretary of State is missing the point. It is nothing to do with social solidarity; this is a specific, new obligation in the treaty to act in solidarity with other member states, both in normal market conditions and at times of crisis. Given that that the obligation is judiciable and can incur infraction proceedings, it is very serious and might—in my view, it will—affect our freedom of choice to supply energy to non-member states, that is, to our other military allies. We might need or decide to do so at the appropriate time. The Secretary of State did not answer that serious point, which has nothing to do with Maastricht as the obligations are new. Can he answer it now?

Mr. Hutton: I do not want to prolong the exchange unnecessarily. As the right hon. Gentleman can see, I have rather a substantial speech to make.

Several hon. Members *rose—*

Mr. Hutton: Let me make it clear that I shall not give way at this moment in time. I want to come back to the point made by the right hon. Member for Wells (Mr. Heathcoat-Amory).

The solidarity provisions to which the right hon. Gentleman referred have been designed to deal with national emergencies, including terrorism. With great respect to him, I would have hoped that he could find some common ground with us, on that point at least.

Mr. Brady *rose—*

Mr. Weir *rose—*

Mr. Hutton: No, I shall not give way—

Peter Luff (Mid-Worcestershire) (Con) *rose—*

Mr. Hutton: I shall give way to the Chairman of the Select Committee on Business, Enterprise and Regulatory Reform in a minute.

On the specific point about energy, it is important to bear in mind what the treaty says. It states:

"measures shall not affect a Member State's right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply".

Those are important guarantees to have in the treaty and the body of European law that were not there before. Given the perspective held by the right hon. Member for Wells, I would had thought he would be able to support them.

Peter Luff: My concern, too, is about paragraph 87 of the treaty—this new paragraph 1 of article 100—with its reference to a

"spirit of solidarity between Member States".

When I read that, I imagined that it referred to the problems with the supply of Russian gas to eastern Europe, for example, and the consequences for the British and western European markets. The Secretary of State is saying, almost by implication, that it is restricted to subjects such as terrorism. Will he be a little clearer about the range of circumstances in which he thinks the provision will apply?

Mr. Hutton: I would prefer to make a little progress with my speech, but I shall ensure that the hon. Gentleman receives a proper answer as the debate proceeds.

Rob Marris (Wolverhampton, South-West) (Lab): Article 122 of the consolidated texts, which is, I think, the article 100 that is being discussed, states in paragraph 2 that the Commission, having consulted people,

"may grant, under certain conditions, Union financial assistance to the Member State concerned."

Surely the article about emergency situations is to do with financial assistance from the EU, and not to do with diverting supplies from one country to another, or anything else.

Mr. Hutton: May I say how much I appreciate my hon. Friend's support? I am grateful to him for providing a clarification that we all regard as very helpful.

I do not believe that a fair-minded person could regard the provisions in the treaty as being of anything other than a positive benefit to the UK and the EU as a whole, unless opposition to this article is being used as a proxy by those who do not believe in tackling climate change or who want us to get out of the EU altogether. People will form their own opinion about that.

In the move to a separate article, the treaty confirms the role of QMV, and its retention is unequivocally in the UK's national interest. For years the UK has been working to achieve energy priorities, such as the liberalisation of Europe's energy market. We believe that the competitiveness of Europe's energy markets is fundamental to the economic performance of the EU over the next 50 years. Although progress and agreement have been possible without a vote, the potential for a decision to be taken under QMV has removed many of the incentives for an individual country with protectionist instincts to try to block progress against the wishes of the majority.

It seems certain to me that without QMV we would have made little or no progress in liberalising EU energy markets. In fact, it is arguable whether the Commission would even have proposed them in the first place. We would certainly have had no chance of securing the latest package of liberalisation measures, which those on the Opposition Front Bench have repeatedly called for us to support—the so-called third package of energy liberalisation, which is being negotiated. The UK strongly supports those proposals, which represent a real breakthrough in opening up Europe's energy markets. The aim is to prevent incumbent energy players from keeping others out of the market, and to promote competition. That would benefit energy consumers—individuals and businesses—in the UK. We are working with the Commission and our member state allies to make sure that that happens.

It will not be easy, as there is significant opposition to the proposals. Under a regime of voting by unanimity—which is what I suspect many Opposition Members would prefer—opponents of change could sit on their hands and resist any progress whatsoever, but with QMV we can make, and are making, real progress. We are unlocking decision making, breaking down time-consuming bureaucratic stalemates and helping to promote policies that we believe are in the interests of all the people of the EU.

I turn now to the important relationship between the EU and UK energy policy. Half a century ago, the European Coal and Steel Community brought European countries together in economic and political partnerships to build a lasting peace across the continent after the carnage of two world wars. Those early steps have borne considerable fruit. We have come closer together, and that is a good thing. Our continent is more prosperous and peaceful, and those are obviously positive developments. The threat of full-scale confrontation between European countries no longer exists.

In all those respects, the EU has played a positive role. I hope that hon. Members from all parties can agree on that at least, but we are undoubtedly still confronted by many difficult challenges, both at home and abroad. We are clear that every member state should be responsible for its own energy resources. That is not a Community competence, and nor should it be. It has been an important red line in the Lisbon treaty negotiations, and the treaty does not change that basic legal reality.

The Government have set out the objectives of our energy policy. We have focused on ensuring the secure provision of affordable and sustainable energy supplies for every UK citizen, as well as the successful transition of our country to a low-carbon economy. We are working with the energy companies and consumers to improve energy efficiency and increase our use of low-carbon energy sources so as to reduce our reliance on fossil fuels. However, fossil fuels will remain a major part of our energy mix for years to come. The best way to protect ourselves against potential supply difficulties caused by either natural disasters or resource nationalism is to develop as diverse a mix of energy sources, suppliers and trade routes as possible.

The UK is also undergoing a long-term transition from being a net energy exporter to being a net energy importer. Unlike many EU member states, we had years of being self-sufficient in oil and gas production but, however successfully we manage our remaining North sea oil and gas reserves, by 2020 imports are likely to account for well over half of our oil and gas requirements.

I believe that dealing effectively with those challenges means that we have to build a solid base of strong bilateral and multilateral relationships. Moreover, although our national measures to reduce greenhouse gas emissions can play an important part in tackling the problem, UK greenhouse gas emissions amount to only 2 per cent. of world emissions. Obviously, therefore, we need to work closely with other countries on a global level to make a significant difference. By acting with an enlarged and, thanks to the Lisbon treaty, more efficient EU, the UK will be able to help to deliver solutions for climate change and energy security at a European and international level.

Bob Spink (Castle Point) (Con): The Secretary of State is right to say that the UK generates only 2 per cent. of global carbon emissions, but does he accept that we have a duty to set an example to the international community when it comes to tackling the problem and setting up solutions to it? Can he guarantee that the treaty will not interfere in any way with the UK's drive to introduce new and greener sources of energy generation, such as nuclear? Will he give a cast-iron guarantee that the treaty will not result in any increase in our constituents' energy costs?

Mr. Hutton: The question of energy prices is complicated. I do not think that any Minister in any Government in Europe could claim to be able to hold down energy prices. That is not the world that we live in. We must tackle the problem of the fuel poor, and we are developing measures to that end, but there is nothing in the Lisbon treaty to impede progress on climate change or energy security—far from it, in fact. Moreover, the treaty builds the concept of sustainable development into the EU's legal architecture for the first time. Such policies should secure support from all sides of the House, not opposition.

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): My right hon. Friend said that by 2020 we are likely to import half of all the gas that we use. He will know that the new gas pipe from Norway is likely to make more gas available and that that could trigger a second dash for gas. We need the diverse energy mix that he has described, so will he be considering capping the amount of gas used for electricity generation? It already accounts for 40 per cent. of our gas usage, and by 2020 that proportion could be 60 per cent. or more.

Mr. Hutton: I am grateful to my hon. Friend for those questions, but we are not going to cap any source of energy. That would be entirely the wrong thing to do, and completely incompatible with the fundamental features of our energy market. The question of carbon capture is especially pertinent in relation to the future of gas and coal, and all hon. Members should take some pride in the fact that the UK is the only member of the EU that is committed to a carbon capture and storage demonstration project on a commercial scale. I hope that other countries will make a similar commitment so that we can look at a range of technologies—including post-combustion, pre-combustion, oxy fuel, coal and gas—that could begin to make a significant difference.

Taking CCS out of the equation would cause a problem on a global scale when it comes to dealing with climate change. Estimates made by the International Energy Agency, the Stern review and others show that as much as a third of our total global carbon mitigation strategy will depend on CCS technology. So my answer to the question posed by my hon. Friend the Member for Barnsley, West and Penistone (Mr. Clapham) is that we should not set about the problem by capping energy sources but we should maximise the energy that we get from renewable sources, and the EU has proposals to that end.

In addition, I think that we should look at nuclear, and the Government have made our position clear on that. Finally, gas and coal will be part of our energy mix for some considerable time, and CCS will be an

[Mr. Hutton]

important way to make sure that those energy sources do not make matters worse. However, I do not believe that placing caps on individual energy sources is the right thing to do.

Kelvin Hopkins (Luton, North) (Lab): I have strongly supported the emphasis that my right hon. Friend has placed on energy sovereignty at a national level, and his recently expressed view that we should move as far as possible towards self-sufficiency in the longer term. However, Germany's installed solar power capacity is 350 times greater than Britain's, and it has 10 times more wind power capacity than we have. That provision is the result of intervention by the state rather than by the EU. Should we not do what Germany has done? Should not the Government take action now rather than rely on the EU?

Mr. Hutton: The German Government are playing an active and supporting role in relation to the new proposals from the European Commission, and they do not believe that Germany should not be engaged in shaping the new renewables directive. Indeed, the German Government have made significant progress on renewable energy in the past 10 or 15 years, and I pay great tribute to them for that.

I believe that the UK has made progress. We have doubled the amount of energy drawn from renewable sources in the past few years, and we are planning to treble it. We will have to do significantly more in the years up to 2020 if we are to meet the EU targets, but so far we have concentrated too much on the financial aspects of renewables promotion. We should not overlook some of the other problems with regulatory and planning consents that have got in the way of really moving ahead with renewable energy in this country.

For example, it is a matter of great regret to me that many local authorities around the country—run by the Conservatives, the Scottish National party and even my own party—have presented a brick wall to renewables schemes. There is no place for nimbyism when it comes to climate change, but there has been far too much of it.

Colin Burgon (Elmet) (Lab): My right hon. Friend mentioned the nuclear power industry. I have grave reservations about the Government's proposals, which have been sold to the public on the assurance that the taxpayer will not underwrite any costs—such as clean-up costs—that are incurred. However, reports this week claim that EU directives and pressure from the European Commission mean that the British taxpayer will in fact have to underwrite the costs on any nuclear incident that might arise. Will he clarify the situation?

Mr. Hutton: Governments in the United Kingdom and around the world have entered into binding international agreements for dealing with any serious nuclear incident to ensure that public health is protected and decontamination takes place. It would be grossly irresponsible for the UK Government to pull out of such responsibilities, and we have no intention of doing so. Yes, it is a potential issue for all of us, but there is no question at all of a responsible Government running away from that kind of responsibility, and we have no intention of doing so.

On the costs of decommissioning and waste disposal, we have been very clear about where new lines must be drawn if new nuclear is to play a role in the UK energy mix. The only sort of energy generation that we subsidise in the UK is renewable. We are not proposing a subsidy for nuclear power, and we have made it clear that sufficient funds will have to be accrued over the lifetime operation of nuclear plants to cover the costs of long-term waste disposal and decommissioning the sites. Those costs should not fall to UK taxpayers. That is the view that we have reached.

Richard Ottaway (Croydon, South) (Con): I do not know whether it has been put on the Secretary of State's desk yet, but is he aware of the report by Dieter Helm, professor of energy policy at New college, Oxford? He says:

"The Government's nuclear energy policy is fundamentally flawed because it relies on the 'fiction' that a new generation of reactors can be built without state support".

He goes on to say that the way out is to have auctions for long-term reductions in carbon emissions over 20 to 30 years. I ask the Secretary of State to have a hard look at that idea, because I think that there is something in it.

Mr. Hutton: Obviously we treat the comments of such a distinguished person with a great deal of respect and interest. I do not think that the professor made those comments during the consultation period; they came after it ended. I have been struck by how strong the power companies' interest has been in developing new nuclear proposals on the basis of the terms that we have set out. We are not mandating nuclear; we are not requiring power companies to construct, build and operate new nuclear power stations. We have established the ground rules for how that can be done in future, and it is up to the power companies to respond with proposals. Personally, I think that the professor's comments are not germane. It is likely that there will be significant interest in undertaking new nuclear projects that follow the lines that we have proposed, and energy companies have themselves strongly expressed that view to us.

Mr. Ian Taylor (Esher and Walton) (Con): I do not want us to get bogged down in a rehash of the energy statement. This country needs new nuclear power stations just to maintain the percentage of the power that is currently provided by nuclear. The key to this debate is that Europe as a whole is already 50 per cent. dependent on imported energy, 25 per cent. of which comes from Russia. Both of those percentages are rising. As a result, it is crucial that the treaty provision on solidarity is supported. I welcome what the treaty proposes, and I want to hear much more about what the Government will do to drive forward a more cohesive energy policy at the European Union level.

Mr. Hutton: I am grateful for the hon. Gentleman's support. He has taken a consistent view on all those matters, and I appreciate his remarks. Eventually—I

know it looks as though it will be at some far distant point in the future—I shall come on to the points that he raised.

Ms Patricia Hewitt (Leicester, West) (Lab): The hon. Member for Croydon, South (Richard Ottaway) mentioned the interesting report from Professor Dieter Helm and Oxera. Will my right hon. Friend confirm that the report stresses that the United Kingdom has the most liberalised energy market in the European Union? That has given our consumers the benefits of a much greater choice of supplier and has lowered our prices. It also gives us lower prices than other parts of the European Union. That is the way forward for the EU, which is why all Opposition Members should support the Lisbon treaty's provisions on energy.

Mr. Hutton: I agree strongly with my right hon. Friend, and I pay tribute to her work on energy policy. We hear a lot from Opposition Members about the costs of Europe for energy consumers in the UK—I have been reading a briefing that was made available to Conservative Members this morning. What is always missing from such debates is any mention of the significant benefits of EU membership when it comes to energy, and which my right hon. Friend highlighted. It is true that the report to which she referred highlights the fact that the UK has the most liberalised energy market in the EU. It also makes it clear that it is the most competitive energy market in the EU. That simply would not be the case if it had not been for the extension of QMV to such issues. I am perfectly prepared to acknowledge that that is an achievement of the Conservative Government, but the sad thing is that not many Conservative Members present want to acknowledge that. That is a sad reflection on the direction that Conservative politics has taken.

Mrs. Claire Curtis-Thomas (Crosby) (Lab): Will my right hon. Friend give way?

Mr. Hutton: Yes, but then I really will make some progress.

Mrs. Curtis-Thomas: My right hon. Friend will be aware that just over a year ago the Russians frustrated the supply of gas to continental Europe. That gave us all a significant shock and focused our minds on providing energy supplies in-country to meet our own needs. I therefore applaud the sentiment that he expressed: we need to strive towards ensuring that our country is energy-rich. I am also acutely aware that the provision of nuclear capacity will be constrained by suppliers and the availability in each country of people to manage those facilities. The UK currently does not have the capacity—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The hon. Lady is making a statement, not an intervention.

Mr. Hutton: I must say that I thought it was a very good statement.

Mr. Deputy Speaker: Order. That is by the bye.

Mr. Hutton: I am sure that that is true. The events to which my hon. Friend the Member for Crosby (Mrs. Curtis-Thomas) referred were a wake-up call for all of us. The hon. Member for Esher and Walton (Mr. Taylor) referred to some European Union member states being 25 per cent. dependent on Russian gas; some are 100 per cent. dependent on it. We in the European Union have to keep that firmly in mind, and consider what its long-term significance is.

I should try to make progress. On the proposals that the European Union has put on the table, I am sure that the House will be aware that the European Commission has published a package of ambitious climate and energy targets and measures for member states in a range of areas, including energy efficiency and new technologies. The UK played an important role in the development of those and other EU energy measures. As a result, we see the EU's overall energy package as a good starting point for the negotiations ahead.

We believe that if the EU has a more stable institutional framework, as a result of the Lisbon treaty, it will be able to focus, and deliver, even more on energy. First, we can ensure that there is a liberalised energy market across the EU that encourages competition and facilitates the flow of energy to where it is most needed. Secondly, we can promote greater market transparency, to help market players deal better with shocks, avoid shortages, and invest in and deliver the best cost-effective low-carbon solutions. Finally, we can develop an external energy policy that supports the EU in working with other countries to address the economic and political pressures that are having an impact on energy supply and demand, and to enable energy companies better to secure the energy that the European Union needs in future.

Albert Owen (Ynys Môn) (Lab): The Secretary of State made a strong case about the UK influencing the European Union. If we have a united European policy on energy, we can influence other countries—emerging economies such as India and China. Is that not good for citizens of the UK?

Mr. Hutton: I strongly agree.

It is one of the surprising ironies of political life that one occasionally finds oneself quoting people with whom one does not always agree. When preparing for this debate—and I did prepare for it—I came across the following comment, which touches on my hon. Friend's point:

"we can take pride in the distance travelled"

in Europe.

"But we must also remember how far we still have to go. The Community is now launching itself on a course...which must make it possible for Europe to compete on equal terms with the United States and Japan....What we need are strengths which we can only find together. We must be stronger in new technologies. We must have the full benefit of a single large market."

That was said by Lady Thatcher in 1986, when she was Prime Minister. It would be an interesting test if we had a quick show of hands to see who on the Conservative Benches still agrees. I suspect that I know who would agree—there are a few decent Members there—but I suspect that a lot of Conservative Members have moved on.

Peter Luff *rose—*

Mr. Hutton: I give way to the hon. Gentleman, because I suspect that he would be one of those who support what Mrs. Thatcher said.

Peter Luff: Lady Thatcher achieved the changes necessary to secure a competitive market in Europe using the existing powers. The Commission already has the powers to secure a proper price for carbon to underpin new nuclear and renewable energy. Those powers already exist. The things that we need to do can be done with existing powers. I cannot understand—although as a reasonable man, I am open to persuasion—why we need new powers to achieve objectives that we can already achieve.

Mr. Hutton: I wish we had achieved all those objectives. It is not true to say that we have achieved them all. I made the point—it seems a long time ago—that I regard the provisions relating to energy in the Lisbon treaty as essentially consolidating. On that basis they should be supported, because they provide a simpler and clearer legal basis on which we can act.

The difficulty for the hon. Gentleman, for whom I have a great deal of respect, is that if he supports the provisions, and if he supports QMV applying intelligently in this context, he has a job of work to do to explain to people why he thinks it would benefit the European Union, even if the treaty had been ratified by the House, to go back and reopen it at some point in the future. I suspect that he does not believe that that would be in the UK's long-term national interest, so he needs to do a job of work on his hon. Friends on the Front Bench.

As I said earlier, the UK strongly supports a liberalised European energy market, one built on strong ownership unbundling, strong and effective independent regulation and greater transparency. The decline of our own gas resources and growing supply interconnection with continental Europe means that UK prices are increasingly linked to those in the rest of Europe. EU gas markets are not as transparent as ours, and that is putting upward pressure on prices as well. Our experience shows liberalisation to be the best and most effective way to deliver secure, affordable energy supplies, increased choice and improved services, better efficiency and greater investment.

As my right hon. Friend the Member for Leicester, West (Ms Hewitt) observed, independent research published today by Oxford Economic Research Associates again shows that the UK has the most competitive energy markets in the EU and the G7. That means that we ensure that no company can dominate energy production, generation or supply, that consumers can switch suppliers easily and quickly to get a better deal, and that third-party suppliers have equal and fair access to the market to help drive competition.

That should all help to keep our energy costs as low and as competitive as possible. As wholesale energy prices rise, having the most competitive market in the European Union is the best sort of protection for UK consumers against those pressures. That is evidenced by our lower prices over the past five years, despite the recent rises, compared with the EU 15.

Mr. Weir: I am interested in what the Secretary of State is saying, and in theory he is correct. How, then, can he explain the fact that when one energy company puts up its prices, most of the rest follow at a respectful distance thereafter? Is that not grounds for at least investigating how energy companies are acting in our so-called liberalised market?

Mr. Hutton: The energy companies are subjected to the full rigour of existing legislation against unfair and anti-competitive practices. If there is evidence of any breach of our competition laws, we have the right mechanism to police it and to enforce those laws. The sad truth is that energy prices have been rising across the world, and it is inevitable that some of that will be reflected in prices here in the UK. As I say, if there is evidence of anti-competitive practices, we have the tools to address them.

The Commission has consistently credited the UK for the competitiveness of its energy market. The third package of energy liberalisation recently proposed is very much in line with the UK model, and could address many of the issues now inherent in EU markets. More transparent markets with clear, stable regulatory regimes would give market players the confidence that they need to invest, and would help reduce the costs of serving EU energy needs. Within the UK, liberalisation has led to sustained and substantial investment in new gas facilities: pipelines, LNG—liquefied natural gas—terminals and storage.

Independent research has indicated that full market opening in Europe could increase cross-border trade in electricity by 31 per cent. and reduce prices in the EU 15 by up to 13 per cent. Total savings in the EU could be of the order of tens of billions of euros. The lack of competition in EU energy markets is costing UK and EU consumers, and it is crucial that all member states press on until we have reached our goal of a true internal market in energy. Rejecting the Lisbon treaty would set back progress in this area.

Mr. Philip Hollobone (Kettering) (Con): The whole House would agree that liberalising Europe's energy market is a good thing, but it can be done under existing powers. Will the Secretary of State tell the House why signing up to the Lisbon treaty will bring that about, if it is not coming about at present?

Mr. Hutton: The treaty provides a clearer legal basis for taking forward such work in the future. That is important, and we have important guarantees about our national reserves and strategic supplies, which I should have thought the hon. Gentleman supported. The sad truth is that we have not completed the job of energy liberalisation in the European Union, but the treaty of Lisbon will provide a clearer platform on which to take that work forward.

We all have choices in this debate. The hon. Gentleman is expressing his support for energy liberalisation, which I am glad to hear, but the position of those on the Conservative Front Bench—which, as I understand it, is not to ratify the Lisbon treaty but to renegotiate the treaty basis of the UK's membership of the European Union—would set back progress on energy liberalisation, not speed it up. That is the choice that he and others have to address.

As the House knows, last week the EU published its draft renewable energy directive, as part of a wider climate and energy package. The draft directive provides the framework for achieving the EU's agreed target of securing 20 per cent. of EU energy from renewable sources by 2020. It also proposes specific contributions from member states towards this goal. The Commission has proposed that 15 per cent. of all the UK's energy should come from renewable sources by 2020.

The directive also contains a target for 10 per cent. of all transport fuels to come from renewable sources by 2020. It is crucial that this biofuels target does not undermine global sustainability in any way. That is why we will continue to argue strongly for strict sustainability criteria to be applied to the biofuels that can be used to meet that target.

We see the proposals as a good starting point for discussion in the Council, and we believe that an EU working more effectively together can deliver the necessary action to match this ambition. We want all member states to be able to deliver their agreed targets in the most cost-effective way. We are committed to achieving whatever UK target is agreed following negotiations in the coming months, and we have made a strong start, with the announcement of a potential massive expansion of offshore wind, approval already given for the world's largest offshore wind farm, which will be located in the Thames estuary, consent granted for one of the world's largest biomass plants, which is to be built in Wales, and the launch of a feasibility study on harnessing the tidal estuary of the River Severn, the second largest project of its kind in the world.

There are many more important renewables projects in the planning system. The successful passage of the Planning Bill currently before the House will be vital to reduce delays in making the best projects happen. However, it is obvious that we will need to redouble our efforts to reach the 2020 target. This summer, we will launch a consultation on what more we should do to boost renewable energy to meet our share of the EU 2020 target. We look forward to a serious national debate about how we can best do that, to help feed into and shape the UK's renewable energy strategy, which I hope will be published in the spring next year.

Through the Energy Bill, we will put in place measures to strengthen the renewables obligation to triple renewable electricity from renewables obligation eligible sources by 2015, and in April the renewable transport fuel obligation will be introduced. As many hon. Members know, that will require suppliers to include 5 per cent. of renewables in their fuel mix by 2011.

By drawing a line under institutional reform in the EU for the foreseeable future—whereas it is the position of the Opposition parties to bring it back into the full glare of publicity—ratification of the Lisbon treaty will give us the time and energy to focus on issues such as those that I have outlined, which really matter to EU members and citizens. That is why the position being taken by those on the Opposition Front Bench is so damaging to the UK's long-term national interests.

Mr. James Clappison (Hertsmere) (Con): Is the Secretary of State making the case that the long list of renewables projects he has just told us about are dependent upon the provisions of the treaty? Presumably, planning for them began before 23 June, when the intergovernmental conference mandate was agreed.

Mr. Hutton: No. I know that my speech has been a long one, and perhaps the thread of it may not be as clear to the hon. Gentleman as I would like. That is not my argument. It is not a rational argument, because the proposals have been produced now and the treaty of Lisbon has yet to be ratified. However, my wider argument is twofold. The treaty provisions will be an improvement on how we currently deal with energy matters in the European Union, but my fundamental argument is that if we took the advice of the Conservative Front Bench, we would set back any realistic prospect of making progress on those areas and others. That is the fundamental choice for the House, and it is why those on the Conservative Benches with common sense are not supporting the views held on their Front Bench.

Strengthening the EU emissions trading scheme is another issue on which an outward-focused Europe can make a real and lasting difference. There is much for the UK to support—in particular, the Commission's move towards EU-wide central caps with a clear and long downward trajectory. That is a fantastic boost to our work to meet our emissions reduction targets in 2020 and beyond. The energy industry has made it clear to me and others that to invest with confidence in low-carbon energy production, they need the long-term certainty that a strengthened EU ETS can bring to the carbon market. That is one of the many reasons why the Commission's proposals on the ETS are so important.

The International Energy Agency estimates that carbon capture and storage has the potential to contribute up to 28 per cent. of global carbon dioxide mitigation by 2050, and will be crucial in moving towards a low-carbon economy. The EU's proposed framework for the regulation of carbon dioxide storage is a necessary step towards the commercial demonstration and future deployment of CCS across Europe. The framework will provide valuable support for our work on a domestic regime, on which the House had a useful debate on Tuesday night.

As many hon. Members will know, global demand for coal is due to increase by 73 per cent. by 2030, driven mostly by the energy requirements of China and India. The support of the European Union and members states' commitments to demonstrate CCS would add weight to the work of tackling emissions from developing countries. The Commission's plans for a network of EU demonstrations would include measures to share knowledge about those demonstrations with countries outside the EU, which will be of critical importance. I hope that the UK's project, for which we launched a competition in November last year, will form a full part of those activities.

Mr. Ian Taylor: I know that that competition is for post-combustion carbon capture, but I remind the Secretary of State that the merits of pre-combustion, pre-emission carbon capture are equally worth while. If this country is not going to have a project involving that, will he at least stimulate the European Union to spend some research funds on such a project?

Mr. Hutton: I do not dismiss the importance of considering a variety of different carbon capture and storage technologies. In this country, we have to make a decision about the resources that we have available—that is, basically, to do one project here in the UK. Our clear legal advice was that to run an effective competition—and to have one, and one only—it was best to have a competition involving similar technologies that could properly be compared with one another.

I hope that there is scope for pre-combustion CCS demonstration projects to emerge from the European Union's commitment to organise 12 demonstration projects in the next few years. We have chosen post-combustion, for good and strong reasons. It is probably the technology that will have the greatest impact in China and India, and it is where we have to focus our support.

Finally, engagement with producer and transit countries, old and new, at European level, is crucial to UK and European energy security. Although pipelines that flow into central Europe from the east may currently have little impact on existing UK energy supplies, as our energy markets become more integrated, the work done to develop diversity of supply in one part of the EU will increasingly boost energy security across the whole European Union. An EU dedicated to addressing global challenges rather than debating internal reform can speak with a stronger voice and establish a more powerful collective position on energy issues at international level—for example, in the permanent partnership council with Russia.

Rob Marris: To draw those two threads together, is not the Opposition suggestion that we could do this anyway, without the treaty, an example of looking through the wrong end of the telescope? My understanding is—my right hon. Friend will correct me if I am wrong—that nothing in the Lisbon treaty would prevent the kind of initiatives mentioned by my right hon. Friend that the Government are already taking. Furthermore, there are elements to the treaty that, if the treaty is ratified across the EU, would enable this country and other member states to do even more—the sort of international co-operation to which my right hon. Friend has just referred.

Mr. Hutton: I agree. This debate is about energy; the wider benefits to the UK of ratifying the Lisbon treaty are clear and compelling, and have been identified by the Prime Minister, the Foreign Secretary, the Minister for Europe and many other members of the Government. However, today we are considering energy. If there is cross-party support for the concept of energy liberalisation, the last thing we should do is to punt the Lisbon treaty into the long grass. That would simply make it harder for the United Kingdom and the European Union to make the progress that sensible and intelligent people want them to make.

Mrs. Curtis-Thomas: My right hon. Friend referred to projects being made available to China and India, as they are significant energy-consuming markets. Is there also an intention to share knowledge about new technologies for energy conservation and production with developing nations that currently have no energy profile at all, but which need energy to realise a decent standard of living for their citizens?

Mr. Hutton: Yes, there is. My right hon. Friend the Secretary of State for International Development is taking that work forward. The EU is taking forward a climate change partnership project with China. We have to make sure that all of us in the European Union make the maximum contribution to all the challenges, which essentially involve technology, but also include finance, the exchange of intellectual property rights, and technology transfer.

Steve Webb (Northavon) (LD): In response to an earlier intervention, the Secretary of State promised to come back to an earlier point, but in taking so many interventions, he may have omitted to do so. Will he address the point in the Conservative amendment about the Government, having allegedly fought a separate energy article, now supporting it? Will he clarify his response on that specific point?

Mr. Hutton: I did deal with that point—*[Interruption.]* The hon. Member for Rutland and Melton (Alan Duncan) may not have liked my answer, but I definitely dealt with the point. To recap, I should say that we did have concerns about an energy article; there is no question about that. However, the concerns have been addressed. The importance of the Lisbon treaty in relation to energy is that there are important new energy red lines. First, we are able to protect and secure our rights over our national oil and gas reserves. Secondly, we can ensure that we can always act to ensure security of supply in emergencies. Furthermore, any new article will not impede progress in opening up EU energy markets and liberalisation. The concerns have been addressed; that is why I say to my hon. Friends, and to Members across the House, that they should support the ratification of the treaty.

To make real progress on all these issues, the UK has to play an active role in the European Union. The EU itself must be effective and efficient, focused on discussion and action beyond its own institutions on the issues that matter. Working together for the EU and each member state's national interest in relation to energy, the treaty of Lisbon will help us achieve that. It will enable the enlarged EU to work more efficiently, and the UK to negotiate more effectively about the future role and focus of a modern global Europe.

As I have set out, the Lisbon treaty meets the UK's red lines, protecting the UK in areas of vital national importance and helping us to focus on the big issues, including energy. It is what we said we wanted: an amending treaty, not a constitution. It is a good deal for Britain and for the whole of Europe, and I commend it to the House.

1.47 pm

Alan Duncan (Rutland and Melton) (Con): I beg to move, to leave out from "House" to end and to add instead thereof:

"notes that the Government demanded the deletion of a new article on energy when it was first proposed as part of the EU Constitution; further notes that the Government's explanation was that 'this provision is unnecessary as all aspects of energy policy are effectively covered elsewhere in the Treaty e.g. single market, environment'; believes that the Government's position then was right and remains valid; and accordingly rejects the

Government's current policy towards the Treaty of Lisbon in respect of provisions concerning energy."

Unlike the Secretary of State, I can start by saying, "Here's one I prepared earlier." However, once he got his script, I—and, I suspect, others in the House—sensed that his heart was not quite in what he was saying and that he had not really understood the implications of the treaty that he attempts to defend today.

The treaty represents failure—a massive failure of political will, a total failure of negotiating wit and a complete failure to keep the promises that the Government made to the British people in what, morally, was a binding manifesto commitment to submit the treaty to a referendum. The treaty is a duplicitous document, as has readily been admitted in the media by the author of the constitution, Mr. Valéry Giscard d'Estaing, the former Italian Prime Minister and the Belgian Foreign Minister. They have all claimed that the treaty is designed to be "illisible", "illeggibile" and whatever the Flemish is for deliberately unintelligible gobbledygook.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): Double Dutch.

Alan Duncan: I am grateful to my right hon. Friend for his astute clarification—double Dutch it indeed is.

Blinding us with techno-babble is a deliberate ploy to obfuscate the real intentions behind the treaty, which are exactly the same as those of the constitution: gathering power into the centre of Brussels, removing flexibility and ignoring the voice of its citizens, and assuming all the rights of power, but without any of its democratic responsibilities. This is neither the outward-looking, flexible European project that we wish to see, nor the project that we were promised.

Today it has fallen to us to examine the articles in the treaty that explicitly cover energy. In the spirit of the rest of the document, these sections are oblique, mysterious and evasive. Their very existence points to a murky process at the heart of Brussels which casts a shadow over the entire mechanism of decision making in the Commission, and, far more damaging, to the utter ineptitude represented by the Government's inability—in the phrase of one of my favourite Ministers, Lord Jones of Birmingham—to bang the drum for Britain.

The Government have said that we need these articles to drive forward the liberalisation of the European energy market. That is a bogus argument, for one critical reason that we have already touched on today: the European Commission already has the legal base on which to make progress on liberalisation, contained in the single-market provisions and in the 40 or 50 existing directives on energy.

Steve Webb: The hon. Member for Wolverhampton, South-West (Rob Marris) put his finger on it when he said that even if the hon. Gentleman were right, he would have to prove something more than that the EU can do these things already—namely that what is proposed is harmful. Can he tell us, in a nutshell, what is harmful about the change that is proposed?

Alan Duncan: That is a completely bogus somersault of an argument, which I do not accept. I shall come on to why what is in the treaty is, in my view, harmful, but it does not necessarily relate to the simple aspects of liberalisation.

Only last September, the Commission published the third tier of its liberalisation proposals. Let me confess openly that we agreed with what it said. There were two options on the table: they were, in fact, the EU's most aggressive proposals so far. If we require proof of their potential effectiveness, it is that they are vigorously opposed by the French and German Governments, neither of whom operate the liberal, free-flowing energy market that we operate in Britain.

The Government's claim that this will all help the progress of market liberalisation looks even more specious when we consider that one of the most fundamental clauses in the foundation treaty—that on competition, which calls for an internal market

"where competition is free and undistorted"

—has been deleted at the behest of Mr. Sarkozy. Far the most astonishing aspect of the whole process is the fact that our feeble ministerial negotiators have returned to the House waving a sheet of paper, flushed with triumph and boasting of a new era for Europe, but with one of the most crucial planks of competition policy axed by the French, thus leaving us vulnerable to the protectionist instincts of some of the EU's member states.

The Government's position would be comic if it were not so serious. The great paradox is that while they proclaim that these unnecessary articles on energy will drive liberalisation further, they have failed to prevent the removal of a clause that shores up one of the Union's greatest strengths since its inception: the dynamic and competitive internal market.

Let us turn to the treaty itself, and examine further exactly what it says about energy and what it might actually mean. As always with these labyrinthine manuscripts, the devil is in the detail. The House does not have a magnificent record when it comes to scrutiny of European legislation, and true to form the Government have not given us anything like enough time for informed debate, but we must make do with what we have.

The treaty establishes energy as a "shared competence". That is in the new articles 2A to 2E that the treaty of Lisbon inserts into the treaty of Rome. No such relationship currently exists between the Union and member states—there is merely a reference in the Rome treaty to "passing measures" on energy—so, for the sake of clarity, we should reiterate what we mean by "shared competence", lest there be any confusion about the extent to which this changes our relationship with Brussels in matters of energy.

Reference to areas under shared competence means that the EU and member states may both adopt legislation, but that member states have freedom to do so only to the extent that the EU has not. In practice, that means that in the eyes of the EU and its legal order it is European law, not the laws of individual member states, that will enjoy supremacy. The word "supremacy" itself may not be in the treaty, but the principle of superiority—*[Interruption.]* The Minister for Europe may well laugh. This is the deceit about which the whole country gets so angry: ministerial assurances, if that is what that chuckle meant, count for so little. In the end it is the words in the treaty that matter, not the scoffing of the Minister.

[Alan Duncan]

As I was saying, although the word "supremacy" may not be in the treaty, the principle of superiority shines through on every page of this document.

Mr. Heathcoat-Amory: Is my hon. Friend aware that he has the former Government on his side? They tabled an amendment in the Convention on the Future of Europe to delete the concept of shared competences, and they made exactly the points that my hon. Friend has been making. This Government are now trying to make the best of a bad job, but at the time—and it happened in my presence—the Government representative on the Convention moved an amendment to try to delete the concept. My hon. Friend is absolutely right in his objections, and at the time there was a cross-party alliance.

Alan Duncan: I am grateful to my right hon. Friend. As a former Minister, he knows the argument inside out. What he and I are trying to say was confirmed in June last year by the legal service of the Council of Ministers, which stated its opinion that

"according to the Court"

—that is, the European Court of Justice—

"this principle"

—of supremacy—

"is inherent to the specific nature of the European Community".

As was pointed out earlier by my hon. Friend the Member for Forest of Dean (Mr. Harper), what is so supremely unconvincing about the Government's position is that they themselves attempted to water down the boundary quite vigorously during the early stages of the negotiations. The right hon. Member for Neath (Mr. Hain), who as Minister for Europe was our main negotiator, lobbied to amend the treaty's definition of "shared competence" so that when the EU had acted—these were his proposed words—

"Member States shall respect the obligations imposed on them by the relevant Union measures".

That, in Euro-babble, means that it would have encroached less on our sovereignty. It was a very reasonable amendment which would not have precluded the action of individual member states, but the Government failed to amend the text. We are now lumbered with the deeply regrettable fact, as defined in the treaty, that member states cannot legislate if the EU has done so first, which jeopardises our ability to act independently on energy matters.

Undoubtedly the most unsettling part of the text is in article 100, which reads:

"Without prejudice to any other procedures provided for in the Treaties, the Council, on a proposal from the Commission, may decide, in a spirit of solidarity between Member States, upon the measures appropriate to the economic situation, in particular if severe difficulties arise in the supply of certain products, notably in the area of energy."

That is a pretty extraordinary part of the treaty, and I shall return to it in a little more detail later.

The final surprise is the insertion of an entirely new article on energy—article 176A, for those who are following this in their primers—which establishes an EU energy policy. It will allow the EU,

"In the context of the establishment and functioning of the internal market and with regard for the need to preserve and improve the environment",

to pass laws in four key areas: ensuring the functioning of the market; ensuring security of supply; promoting energy efficiency, saving and renewables; and promoting the interconnection of energy networks. In that, the United Kingdom has no power of veto. The laws pass through co-decision, including qualified majority voting in the Council. Our Government have essentially written a blank cheque to Brussels, which could in certain circumstances oblige the United Kingdom, for example, to assist in the building of other member states' energy infrastructure, or even to supply them with energy during times of emergency.

Rob Marris: I suggest that the hon. Gentleman has only partly read out article 100, which becomes article 122 in the consolidated text. The bit he read out was paragraph 1. Paragraph 2, which deals with emergency stuff, reads:

"Where a Member State is in difficulties or is seriously threatened with severe difficulties caused by natural disasters or exceptional occurrences beyond its control, the Council, on a proposal from the Commission, may grant, under certain conditions, Union financial assistance to the Member State concerned. The President of the Council shall inform the European Parliament of the decision taken."

That is nothing to do with emergency supplies to other countries, desirable as that may be in some circumstances.

Alan Duncan: The hon. Gentleman completely misunderstands the treaty, because that is a supplementary, additional provision, not something that qualifies what I have just asserted. It is not a question of either/or, but of an extra "and". The fact that the hon. Gentleman does not understand that shows the problems that we get into when this House scrutinises European legislation so poorly. We get ministerial guarantees, and a few years later judgments come at us down the track that we were told would never come our way. That is why people get so angry about the way in which European legislation—

Ms Hewitt: Will the hon. Gentleman give way?

Alan Duncan: Oh yes. I will happily give way to the right hon. Lady.

Ms Hewitt: I am grateful to the hon. Gentleman. I have been following his argument with great care and looking again at the proposed new paragraph 1 in article 100. There is no requirement upon the Commission to come forward with proposals in the situation of energy supply interruption that he describes; nor is there any compulsion upon the Council of Ministers to decide to offer help in such a situation.

In any case, the central point that the hon. Gentleman has completely failed to mention is that only the Council of Ministers can make a decision under this article, and the Council of Ministers is comprised of the Governments of the member states, including the British Government, which has been extremely successful over the years in pressing policies in the interests of our country.

Alan Duncan: This is why people get so angry with politicians in this country: they do not come clean about what can be done in the name of the EU and how such powers replace powers currently enjoyed by this country, and this House of Commons. That is why I object to what the right hon. Lady has just said.

Mr. John Gummer (Suffolk, Coastal) (Con): If we worked more closely with our European neighbours, we could cut the emissions from our present generation by 9 per cent. We have no mechanism to carry that out, either in normal circumstances or in an emergency. Surely we are talking about a perfectly sensible way of making decisions among ourselves. If every nation took the view that it will not do anything about energy unless it has total control over its own, we will not be able to meet our energy needs.

Alan Duncan: I am all for the co-operation advocated by my right hon. Friend, but not for the transfer of power that allows us to be told to do things, which are unclearly worded in this treaty. The EU has an open-ended ability to tell us what to do in areas where that is not necessary. What does that mean? It could mean that the EU will tell us what to do about strategic storage; it could allow it to intervene on what might arise as a pattern of trading and supply—Government-to-Government contracts; it could give rise to the setting up of an EU regulator; it could allow the EU to tell us what we can and cannot do with our nuclear power stations; and it could even lead to a decision on whether we have the Severn barrage or not. Whether one is for greater institutional integration or against it, the provisions make one thing perfectly clear.

Mr. Kenneth Clarke (Rushcliffe) (Con): I find this debate very difficult. The Government are finding it difficult to explain what additional powers are given by this treaty, and with great respect, my hon. Friend is finding it very difficult to establish what is wrong with either the existing powers, or the powers as re-worded. He gives a list of things that might happen. Is he not aware that article 194—I am using the consolidated treaty—spells out that

"Such measures shall not affect a Member State's right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply"?

How on earth is that giving powers to Europe to veto the Severn barrage or to determine what sources of energy we use? It explicitly says that that is not the case.

Alan Duncan: I beg to differ with my right hon. and learned Friend in this sense: the danger of such treaties is that one can start off thinking that benign powers are granted to the EU, but one finds that they normally morph into something completely different. We are seeking clarity in the belief that the powers that already exist are sufficient. As my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) said, there are pressures in the EU already for liberalisation, and we agree about that. The current powers suffice, and that sufficiency means that we do not need what we fear may be coming in.

Several hon. Members *rose*—

Alan Duncan: I give way to my hon. Friend the Chairman of the Select Committee on Business, Enterprise and Regulatory Reform.

Peter Luff: This is one of the central issues. With respect to my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke), I think that he is wrong. This is a serious and worrying power. I hope that in unusual circumstances we would do what is right to protect the overall economy of Europe, but we know how to do that. We do not need it mandated to us by the European Union. That is what this power does. The article contains the words

"upon the measures appropriate to the economic situation".

That is quite a broad-ranging power. It is not restricted to terrorism, as the Secretary of State suggested. It is an unnecessary transfer of power, but we should retain national discretion over what we think is right in the appropriate circumstances.

Alan Duncan: No doubt my hon. Friend's Committee will look into the matter further, but what he has said confirms the suspicions many in the House share.

Mr. Heathcoat-Amory: The debate so far has very much been about liberalisation, and as my hon. Friend has already said, such powers exist. However, what is new in article 176A is the power to decide by qualified majority voting measures to

"ensure security of energy supply in the Union",

which is not necessarily about bullying Russia, but a redistributive mechanism in the European Union. We could be mandated, particularly taking into account the solidarity provision, to share—in other words, give—our energy supplies to other members of the EU, when countries outside the EU might have a better and clearer call on our resources because, for instance, they are a lot poorer. We could be giving energy to rich countries under the solidarity provision when we may wish to do something different. My hon. Friend is absolutely right about our powers being circumscribed under—

Mr. Deputy Speaker: Order. That is a very long intervention.

Alan Duncan: I am grateful to my right hon. Friend. In order to move on, I say once again that one has to ask why on earth, if everything is okay, the Government were so keen to remove those provisions in the course of their negotiations.

Mr. Doug Henderson (Newcastle upon Tyne, North) (Lab): Will the hon. Gentleman give way?

Alan Duncan: No, I am going to move on now.

The Government have consistently claimed that the substantial difference between the ill-fated constitution and the Lisbon treaty rules out the requirement for a referendum. Luckily, both documents are readily available in the Vote Office, so it is possible to waste a few hours searching for any disparities. Alternatively, one could simply review the work of the European Scrutiny Committee, which simply states baldly that the two documents are "substantially equivalent". I was

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going to have some fun pointing out the equivalences in more detail, but in the area of energy, the real significance lies in what has been sneaked into the Lisbon treaty that was not in the constitution. What we see are not substantial revisions but additional provisions. Thus the only respect in which it is not the same is where it has been made much worse.

For example, in article 122 of the constitution that I have in front of me, we read:

"Without prejudice to any other provisions provided for in this Treaty, the Council, acting by a qualified majority on a proposal from the Commission, may decide upon the measures appropriate to the economic situation, in particular if severe difficulties arise in the supply of certain products".

In article 100, "acting by qualified majority" becomes

"in a spirit of solidarity".

Article 100 also adds the coda

"notably in the area of energy",

by which the drafters almost certainly mean primarily in the area of energy.

Let us return to the phrase "spirit of solidarity", which also appears in new article 176A. Again, let us make the terms absolutely clear to the House. That provision mandates the Council to redistribute energy across the bloc during times of crisis. A gas dispute in Bavaria could ultimately lead to gas rationing in Birmingham. If there is an interruption in the supplies from the Gulf, the Commission can override our contracts. It can cut off our supplies from Milford Haven and send them to Ingolstadt, or divert our liquefied natural gas from the Isle of Grain to Novo Mesto. *[Interruption.]* The Minister may mock, but the point is not ridiculous because the words of the treaty are what matters.

Mr. Henderson: Does not the hon. Gentleman accept that the positive contribution of the European Union means that, if there is a shortage of gas or other form of energy in Birmingham, it might be helpful to have a little assistance from Bavaria? The point of the treaty is to create a climate in which it is easier for Europe to share its burdens and difficulties, which will thus improve the welfare of us all in Europe.

Alan Duncan: Perhaps I am one of the few hon. Members who can say that I worked for many years in the energy markets. Our confidence should lie in properly working, liberal energy markets, not in intergovernmental decisions about changing the patterns of supply. I therefore disagree with the hon. Gentleman—

Rob Marris: Casuistry.

Alan Duncan: The hon. Gentleman wishes to accuse me of casuistry and I am happy for him to attempt to do so.

Rob Marris: Of course, it is casuistry when the hon. Gentleman talks about, on the one hand, the normal functioning of energy markets—in which I am well aware that he worked for many years—and on the other, a potential crisis in the European Union. He should not compare apples with oranges; it is misleading.

Alan Duncan: I do not accept that it is misleading. Energy markets are capable of far more than the hon. Gentleman appreciates.

Mr. Lilley: My hon. Friend, as an expert in energy, will recall that there was an energy crisis in Europe in 1972. Ted Heath, the then Prime Minister, summoned the chief executives and chairmen of Shell and BP and ordered them to divert supplies of oil from the rest of Europe to this country. They pointed out to him that, under the existing commercial law of this country, he could not so order, and that he would have to change the law. Such situations happen. Circumstances can arise in which a country would like to retain control of its resources but a higher authority might want to distribute them more widely. Surely the treaty gives power to the European Union to distribute those resources more widely when we might want to keep them to ourselves.

Alan Duncan: My right hon. Friend makes a serious point. The UK could refuse to abide by the article and break what is described as the "spirit of solidarity". However, if the member state that requires assistance decides to take the matter to the European Court of Justice, which rules in its favour, the Council is obliged, under the article, to comply with the ruling. That would tie the UK in knots. Perhaps the UK wishes to abide by those rules, but it is unacceptable for the Government to bind the British people into such articles without first putting them to the public vote. To do otherwise is political cowardice and a breach of trust, given the Labour party's manifesto commitment.

Mr. Ian Taylor: The complexity of our debate shows the difficulty of putting the matter to a referendum. However, leaving that aside, does not my hon. Friend understand that the solidarity article makes huge sense for British national interest? By 2020, we will import more gas than we have indigenously. We already have an interconnector with France, which means—thank goodness—that we can tap into French, mainly nuclear-powered energy. Most of the pipelines do not start but end here. There is a vast need to ensure that no other member of the European Union holds us hostage. That is what solidarity is about and why the treaty is so beneficial.

Alan Duncan: That is what the EU is trying to do at the moment, but, ultimately, the treaty gives more power to intervene on private contracts in a commercial setting. That could cause no end of upheaval in the efficient workings of the energy markets.

Mr. Harper: My hon. Friend the Member for Esher and Walton (Mr. Taylor) appeared to say that, if we did not adopt the article, there was a risk at some point in the future of our European partners withholding energy supplies from us and holding us to ransom. I find that incredible, given all the positive things that we say about our European partners and the spirit of solidarity in which we work with them.

Alan Duncan: My hon. Friend is being ingenious and allows me to move on to the next part of my remarks.

The Government say that the treaty would better equip the EU to tackle the twin challenges of energy security and climate change. They claim that it will drive forward a liberalised European energy market, benefiting not only British consumers but British companies that wish to gain a foothold in the region. We agree with them about the necessity of freeing up Europe's energy market and the impact of driving down prices and empowering our companies, but we profoundly disagree that that cannot be achieved through current or proposed EU legislation.

It is ironic that the Government once presented the case for which I am now arguing. We are in an absurd situation, in which the Secretary of State has just eloquently defended a position against which his colleagues lobbied only a year or so ago. During the negotiations on the constitution, the former Minister for Europe desperately argued against including article 176A, stating that it was "unnecessary" because

"all aspects of energy policy are effectively covered elsewhere in the Treaty, e.g. single market, environment".

That is correct. However, he went on to register his "detailed concerns" on the text, which, he said,

"we consider may have the unintended effect of changing the boundaries of EU competence and the types of measure which will be subject to unanimity".

Those comments are significant. They are not light concerns about single words, the colour of the ink or the commissioners' handwriting. They are "detailed concerns" about the ethic of the article. Yet we are replaying that message to a Government who have suddenly developed a case of selective memory failure. If the then Minister for Europe was worried at the time, we are much more worried to find that the Government comprehensively failed to delete the article and now compound their failure in that duty by refusing to trust people's judgment in a referendum, which they promised.

We should have significant concerns about today's European market. France is dominated by EDF; Germany has been carved up by RWE, Eon, Vattenfall and ENBW, which own about three quarters of production and distribution capacities. Breaking the link between generators and grid operators would be an important component of the quest for liberalisation, giving European consumers more choice about their supplier and enabling our industrial leaders to grab a piece of the huge market. There are 20 million consumers in the UK who are supplied by French or German-owned companies, yet, across the channel, not a single French or German consumer is supplied by a UK-owned supplier.

We support the measures that the Commission unveiled in September. Those measures are already possible under existing powers—the amended treaty is unnecessary to achieve them. Liberalisation is by far the most effective tool for maintaining a secure supply throughout the EU because it delivers increased diversity of routes, companies, corporate strategies and risk profiles. Liberalisation sends a powerful message to EU suppliers that, in the long term, they will profit more from an open and transparent market than from relying on a national or regional champion. The latter is the stuff of old bloc politics and we are now in a different world.

Mr. Clappison: Does my hon. Friend believe that the removal of the phrase "free competition", which he mentioned earlier, from the treaty at the behest of the French Government will assist or not assist the quest for liberalisation?

Alan Duncan: My hon. Friend makes a point that I shall tackle shortly. Clearly, in our opinion, it would not assist the quest.

Here in the UK, despite liberalising some time ago, we still suffer from being Europe's last-resort gas bank. Continental suppliers buy gas from our market when they need it but they do not always sell it back to us when we need it. That partly accounts for why consumers felt the pinch in 2005 and 2006. Since 1 October, even though energy prices have risen by an average of 15 per cent., the interconnector pipe with Belgium has consistently exported more gas from us than it has imported. However, because of the total lack of transparency in our ability to scrutinise how, when and where gas flows around the region, UK suppliers have been hard pressed to respond.

The Government have pointed to article 176A in the treaty and to the provisions on the functioning of the energy market and promoting the interconnection of energy networks as providing two important spurs to action. However, as the Government made clear in the original negotiations—and as we have repeated here—existing treaties already give the Commission the powers that it requires.

For example, article 154 of the Maastricht treaty states that the European Community has the power

"to promote the interconnection and interoperability of national networks"

and, what is more, to do so

"within the framework of a system of open and competitive markets".

Article 155 of the same treaty enables the Community to legislate to "ensure the interoperability" of networks, and there is no individual member state veto to slow the pace of market reform. Equally, the Commission has powers on the liberalisation of services, as provided for by article 49 of the Maastricht treaty, which states that

"restrictions on freedom to provide services within the Community shall be prohibited in respect of nationals of Member States who are established in a State of the Community other than that of the person for whom the services are intended".

Energy is given specific precedence, as article 52 states that

"priority shall as a general rule be given to those services which directly affect production costs".

Finally, of course, the central foundation for action depends on the creation and maintenance of the internal market, under article 95 of Maastricht.

The treaty of Lisbon makes no change of substance to that. Instead, the one new thing in the latest treaty is the explicit provision allowing the Union to pass laws on security of energy supply. We should be in no doubt about the seriousness of such proposals. We may not

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like the way the current European market operates and we may wish to use any and all opportunities to push for greater honesty in European markets; but the one thing that the Union does not need is greater institutional and centralised powers to create that.

The existence of the provisions on energy, despite the Government's best attempts to erase them, casts a strange light on the debate that we had here last week on the Energy Bill. We said then that there was a somewhat dated feeling to the Government's renewables proposals, because we knew that the Commission would publish our targets for 2020 the very next day, as indeed it did. For renewables to achieve that 15 per cent. energy share in Britain's fuel mix, we felt that a more radical approach would be required from the Government. In a post-ratification world, the Energy Bill will not just look old-fashioned; it will be almost redundant. The treaty gives the EU a legal personality, empowering the Commission to contract on behalf of member states, which will enhance its power to conclude agreements on their behalf.

However, our greatest concern is that the Government have not thought through the new energy articles' effects, given the long-standing EU legal principle of implied competence. As the House will know, those powers were first acknowledged in the case of Commission *v.* Council, also known as ERTA, in 1971, in which the European Court of Justice held that

"each time the Community...adopts provisions laying down common rules, the Member States no longer have the right, acting individually or even collectively, to undertake obligations with third countries which affect those rules"

In other words, the ruling gives the power significantly to override bilateral arrangements. According to the court,

"when such common rules come into being, the Community alone is in a position to assume and carry out contractual obligations towards third countries affecting the whole sphere of application of the Community legal system".

In support of its findings, the court also invoked member states' obligation of loyal co-operation under the then article 5 EC—now article 10 EC—which allowed it to conclude that

"to the extent to which Community rules are promulgated for the attainment of the objectives of the Treaty, the Member States cannot, outside the framework of the Community institutions, assume obligations which might affect those rules or alter their scope".

It might be deemed unfair to have national contracts. We might have the sight, for instance, of the Commissioner for Trade visiting countries in central Asia to broker gas deals, putting the Union at odds with the fine threads of bilateral relationships that have been painstakingly woven through years of commercial and political contact. Ministers have failed to explain whether that energy article and the body of legislation that would undoubtedly flow from it would prevent the UK from concluding energy agreements with third countries, as we have already done with Norway.

The Secretary of State has argued as a passionate pro-European today and on other occasions, saying that we cannot hope to deal with the massive environmental challenges on our own, in isolation in Europe, and by "sniping from the sidelines", as he put it. Indeed, today he used the phrase "10 years of isolation", "separateness" or something like that—his exact words can be seen in the record. Just to be clear, there is nothing in what we have said that compromises our ability to work multilaterally to combat, for instance, climate change. Quite the contrary: Britain under the Conservatives will work constantly and closely with the Union to help ensure that we drive down our emissions across the region and to shore up our security of supply.

We are happy that the Union's emissions trading scheme has created a framework for a carbon price. The framework is currently not as effective as it could be, but at least the architecture is in place. We still think that an effective underpinning of the EU emissions trading scheme by a carbon tax may be the best way of stabilising the price of carbon, or at least underpinning it, thereby maintaining investor confidence in both nuclear and renewable over the long term. However, the treaty could throw our ability to act independently into difficulty, if under the disguise of "shared competence" the Commission assumed powers over energy taxation, using it as a bridge for greater authority over fiscal matters.

Before finishing, I should like to return to the deletion of that key phrase "undistorted competition", which my hon. Friend the Member for Hertsmere (Mr. Clappison) mentioned earlier.

Mr. Hutton: As I understand it, the hon. Gentleman's argument is based on a lot of ifs, buts and maybes. Perhaps it would help if I clarified one point to which he has mistakenly alluded a number of times in his speech. The measures under article 176A, to which the right hon. and learned Member for Rushcliffe (Mr. Clarke) has referred, that maintain full member state control over the exploitation of national energy resources would have primacy over any power under qualified majority voting to maintain the functioning of the market. The hon. Gentleman has not addressed that and has failed to acknowledge the status of article 176. In relation to his point about implied competence, I take it from what he has said that the future of any renegotiation of our membership of the European Union under a possible Conservative Government would depend upon those fundamentals being renegotiated as well. How does he think that will allow him to work more closely with the European Union on energy liberalisation in future?

Alan Duncan: The reference to "resources" refers to such things as oil and gas within the sovereign boundaries of a country. That is completely different from any reference to, and control of, supply.

Mr. Hutton: Let me again quote to the hon. Gentleman the article that the right hon. and learned Member for Rushcliffe cited:

"Such measures shall not affect a Member State's right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply".

Alan Duncan: But not necessarily a member state's control over those supplies, which is exactly what we are debating today. The history of European legislation

in this country is that whereas the House and the country are assured that there are certain boundaries to such powers, those boundaries inevitably move and the powers creep forward. That is the concern with this treaty, as with so many others.

Mr. William Cash (Stone) (Con) *rose—*

Mr. Kenneth Clarke *rose—*

Alan Duncan: I shall give way to my hon. Friend the Member for Stone (Mr. Cash) first, which may give my right hon. and learned Friend the advantage of a counter-comment.

Mr. Cash: I just thought it might be helpful to point out that the explanation just given by the Secretary of State—and, if I may say so, by my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke)—does not fully explain what is going on. I do not have time to go through all this in an intervention, but the bottom line is that there are many provisions that are without prejudice to other provisions, and there about six in sequence that ultimately take us back to the approximation and harmonisation of laws in the internal market. In fact, it is quite clear that the Secretary of State is misunderstanding the position. I am sure that he will have an opportunity to explain later on.

Alan Duncan: I am grateful to my hon. Friend, and, in the spirit of party solidarity, I shall now give way to my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke).

Mr. Clarke: I thought that my hon. Friend was going to deal with the point raised by my hon. Friend the Member for Stone (Mr. Cash) and explain what it meant. A moment ago, my hon. Friend the Member for Rutland and Melton (Alan Duncan) was trying to challenge the view being taken by the Minister—and, embarrassingly, also by me—on these energy clauses, by invoking a court ruling on the primacy of European law that predates British membership of the European Union, and which was the main subject matter of debate when we first joined the Union in 1972. Ever since then, people have attempted to make my blood run cold by suggesting how this ruling might be used in various bizarre circumstances. Surely it is not the policy of our party to reopen the basic principles of the primacy of Union law. Furthermore, as the ruling has not been used to stop our agreements with Norway or anyone else in almost 30 years, why on earth does my hon. Friend think that the majority of European Governments are now going to start to use the rules on primacy of European law in a way that would be hostile to our interests?

Alan Duncan: I would never want the blood of my right hon. and learned Friend to run cold. We enjoy his good cheer. To summarise my argument, I believe that powers that are unnecessary should not be included in legislation. Enough already exists to cope with any kind of energy co-operation that we need. The vagueness—and, consequently, the almost unlimited scope—of these powers gives us cause for concern. The basis for that concern is the experience of the past few decades, which has shown that powers that we were told would hardly ever be used—or only narrowly used—have ended up being broadly used and changing the nature of our powers compared with those of the EU.

That is the concern that underlies so much of what is in this treaty, and in those that have gone before it. I have not been in the House as long as my right hon. and learned Friend the Member for Rushcliffe, but even I can remember that, from the Maastricht treaty onwards, the track record has been that the promises made in this House do not turn out to be true in practice on the ground thereafter. That causes a lot of angst, political distress and disapproval of politics in general among the broader electorate.

Mr. Hutton *rose—*

Alan Duncan: I will give way once more to the Secretary of State, then I will race to the finish.

Mr. Hutton: We all look forward to that. Can the hon. Gentleman give the House an example of how the current provisions on energy have been misused in the way that he has described?

Alan Duncan: The whole point about the current provisions is that we are actually rather happy with them. That is why we would prefer to stick with them and not muddy the waters by going into completely new territory—if I may mix my metaphors—by including them in the treaty.

I was about to address the issue raised by my hon. Friend the Member for Hertsmere on the deletion of the key phrase "undistorted competition". This is a critical point, and the Government's actions on this have been somewhat embarrassing. Throughout this whole process, there has been a palpable sense that the Government think that they have got away with it, that they have somehow fooled us, and that they have won.

The phrase that has been removed, following considerable pressure from Paris, is now covered in a separate protocol. But, to the trained eye, this is a bit of a fudge. Some of the seminal competition cases that have come before the European Court of Justice—and, indeed, some of the defining competition legislation—make direct reference to this clause, and some extremely distinguished European lawyers and academics have stated that this move will have a very damaging impact on EC competition law.

Mr. Sarkozy—now the great champion of our former Prime Minister's bid to become President of the EU—who was thought to be the architect behind the excision of the phrase, has admitted quite openly that he wants to tinker with anti-trust policy. Immediately after his election, he said:

> "I believe in competition as a means and not an end in itself."

He also said:

> "This may also give a different legal direction to the Commission, that competition is there to support the emergence of European champions, to carry out a true industrial policy".

France, which has every reason to oppose any measures to unbundle its tightly controlled power sector, can use this important concession to circumvent the Commission's powers to break up monopolies.

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The Government say that they wish to be professionals in the centre of Europe, but this abject failure has exposed them as amateurs. They say that these new clauses in the treaty will improve the Commission's efforts to create greater competitiveness, but they have signally failed to retain a key structural phrase that will uphold exactly that aim. The Government might brag, but the brutal truth is that they have been outclassed, outgunned and outmanoeuvred. As a result, Britain has been ill-served by this Labour Government.

Several hon. Members *rose*

Mr. Deputy Speaker: Order. Before I call the next hon. Member, may I observe, while not decrying spontaneity, that the convention of notifying us in advance of a willingness to take part in the debate has not been exhibited on all sides? It is helpful if such notification can be given, because, if a debate is oversubscribed, the Modernisation Committee encourages the Speaker to consider putting a time limit on speeches. So we are flying by the seat of our pants in this debate, and priority will be given to those who did notify us in advance.

2.36 pm

Sir Stuart Bell (Middlesbrough) (Lab): I am grateful for the opportunity to appear for the first time in these debates on the European Union. They coincide with the 400th anniversary of the writing of the authorised version of the Bible under King James. Listening to some of the contributions and interventions, I have the feeling that if those authors in Jerusalem Chambers had been making similar points, they would probably still be sitting there, 400 years on.

It is always a pleasure to follow the hon. Member for Rutland and Melton (Alan Duncan), who has considerable experience of the energy markets, although it might be some time since he gave up working in them to enter politics. Perhaps the world has moved on since then. He spoke of the Government's position on this paper being oblique, mysterious and evasive. He also cited Mr. Valéry Giscard d'Estaing, and I must reveal my age by telling the House that I had lunch with Mr. Giscard d'Estaing at Chamallières on the day he became President of France in 1974. Listening to the various references to him over the past few months has given me indigestion, although that indigestion has been delayed for some 30 years. Most of the comments on Mr. Giscard d'Estaing from the Conservatives have been self-serving, and they consistently overlook the fact that he has said that, while the treaty was about 80 per cent. similar, the red lines organised and agreed to by the British Government make it a different treaty. I shall not be tempted to explore whether this is the same or a different treaty, because if I did, I, like the authors of the King James Bible, would still be here many years from now.

The hon. Member for Rutland and Melton made a number of points, which I am trying to assimilate. The one thing that strikes me when I listen to Conservative Members in this debate is that they give the impression that we must be a very small nation state with about 3 million citizens and have no say whatever on what happens in the European Union. The right hon. and learned Member for Rushcliffe (Mr. Clarke), who is no longer in his place, made reference to that. In a speech in Quebec Winston Churchill said of the Germans:

"What kind of people do they think we are?"

What kind of people do the Conservatives think we are when we are dealing with the European Union? We are not softies, and we are not here to be pushed over. We are here to play a significant role in the European Union. That is what this amending treaty is about and what we are about.

Mr. Cash: The hon. Gentleman cited Sir Winston Churchill on these matters. Churchill also said that we should be "associated but not absorbed" in relation to the European Community.

Sir Stuart Bell: I do not think that Sir Winston Churchill was talking about the European Union in 1942, but he did say that the price of freedom was "eternal vigilance". I would commend such vigilance to the Conservative party in looking at this treaty, as vigilance has certainly been given another meaning in these debates.

The hon. Member for Rutland and Melton also talked about the sufficiency of the powers in existing treaties. He said that they were sufficient, but the fact is that it is rather like driving a car at 70 mph: if we take the foot off the accelerator, the car will slow down over a period of time. There are now 27 member states in the European Union, so it cannot be governed entirely on the basis of existing treaties. That has been looked into very carefully by many people, including many experts, which is why the amending treaty is before us now.

The hon. Gentleman amused the House—I am not sure whether he intended to—when he spoke about gas rationing from Bavaria to Birmingham. He also referred to gas from Milford Haven but, as he will know, it is supplied from Qatar. At the risk of extending this debate, can you imagine, Mr. Deputy Speaker, having to tell the Government of Qatar that instead of their vessels on the high seas going to Milford Haven, they should be diverted to Bavaria? *[Interruption.]* I am trying to be courteous, Mr. Deputy Speaker, in the face of some of the oddest and most ridiculous arguments I have ever heard put in the House. I will nevertheless try hard to stay courteous. The hon. Gentleman knows because of his experience in the Gulf that such a fanciful suggestion has absolutely no meaning at all.

Reference was also made from the Back Benches to the shortages in 1972. By my reckoning, that is some 35 or 36 years ago. The right hon. Member for Hitchin and Harpenden (Mr. Lilley) needs to know that that was before we even joined the Europe Union. The hon. Member for Esher and Walton (Mr. Taylor), who I am glad to see is still in his place, talked about solidarity. He rightly pointed out that solidarity is in the national interest. We have no interest whatever in not being "solidaire", if I may use the French word, with the European Union. What kind of country are we to be if we cannot be solidaire with our European partners in this interconnected world?

Alan Duncan: In a way, the hon. Gentleman's attempt to point out the absurdity of diverting an LNG ship headed to Milford Haven from Qatar poses the other side of the question. What would or could be enforced by the EU in the spirit of solidarity to iron out difficulties of energy supplies other than intrusion in private contracts of that sort?

Sir Stuart Bell: Under no circumstances would the European Union, which believes in a liberal economy and free competition—I shall return to the hon. Gentleman's views on undistorted competition in a few minutes—wish to interfere in private contracts. This has been put to the hon. Gentleman before, but repetition has considerable merit when it comes to dealing with the Conservatives. Article 176A states:

"Such measures shall not affect a Member State's right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply".

If the Opposition concentrated on the serious matters posed by the treaty instead of trying to invent a whole series of fanciful forecasts of what might happen in the future, we would be able to have a better debate.

Peter Luff: I hold the hon. Gentleman in high regard, but as Chairman of a Select Committee I am obliged to rise above the party political hurly-burly and attempt to view these issues objectively. As far as I can see and with the best will in the world, what the hon. Gentleman has just said is wrong. The treaty really does give significant power to Europe. For example, when Russia cuts off gas supplies to east European countries, that is precisely to do with what my hon. Friend the Member for Rutland and Melton (Alan Duncan) suggested. I believe that we should leave it to the discretion of national Governments to decide what is appropriate in the circumstances, rather than hand over further competence and power to the centre.

Sir Stuart Bell: I am grateful to the hon. Gentleman and I noted his earlier intervention about Russia. I will deal with that and his point about giving powers away a little later. As we all know, we have never given powers away to Europe; rather, we have pooled our power. Back in 1972, Edward Heath talked about pooled sovereignty and we are still talking about pooled sovereignty today. We have never given a single power away to Europe.

Mr. Gummer: Does the hon. Gentleman agree with me that by pooling our powers, we in fact get greater powers than we would have had if we merely held them to ourselves? One of the ways we get things wrong is that we always invent ways in which we, Britain, might have to do this or that, without ever remembering that there are 26 other members who would, if we were in difficulty, have to be part of the overall pooling of powers and help.

Sir Stuart Bell: I am grateful to the right hon. Gentleman and I agree entirely with what he says.

The hon. Member for Rutland and Melton made much of the phrase "undistorted competition" and the fact that President Sarkozy had wished to modify it in the present treaty. He also made scathing—or passing—references to the protocol, quoting what President Sarkozy said. I am sure that the hon. Gentleman, with his wide reading, will have got round to studying the report of Jacques Attali on the state of the French economy, which calls for free competition and the opening up of the French economy, and which has been accepted by President Sarkozy. He will see a modified attitude towards competition within the European Union and beyond. It should also be noted that President Sarkozy was opposed to entry negotiations with Turkey on certain chapters, but when he became President, he quietly dropped that opposition.

Ms Hewitt: My hon. Friend is making an extremely important point. On the issue of competition policy, is he aware that the excellent guide to the Lisbon treaty produced this week by the British Law Society confirms that the protocol leaves unchanged the legal treaty base in the EU for competition policy?

Sir Stuart Bell: I thank my right hon. Friend for that, but the Conservative belief seems to be never to let the facts get in the way of an argument. If the fact is not convenient, it is set aside. In an intervention, the hon. Member for Stone (Mr. Cash), who unfortunately for me has left the debate—he and I go back a long way and I have a high regard for him—asked the hon. Member for Rutland and Melton what was going on. I have to tell him that we are going on with this treaty. Reference was also made to that indefinable future when we have a Conservative Government. At any such time as the hon. Gentleman wants to work on energy policy, he will work on it along the lines of this treaty as specified under article 176A. Conservative Members know that they will never seek to renegotiate it, but act within it. I know that, the hon. Gentleman knows that, the House knows that and I presume the country knows it, too.

The right hon. and learned Member for Rushcliffe talked in his intervention about the various contracts that we have already made, which the EU could not an did not interfere with. We have made contracts with Norway, Qatar and Algeria for the supply of gas. Contracts in Bulgaria were also mentioned, which, like the others, have been freely negotiated within the EU. I thus have great difficulty understanding the Conservative position. I suppose I can understand the need they feel to push for a referendum, but my view is that the Conservatives spend too much time watching "The West Wing" on television. They come back to character, trust and all the rest of it, but it does not play at all with the public. That is a matter for them, not for me.

The Secretary of State, in his speech and in the documents he gave us, talked about the lead that the United Kingdom has in the development of EU policy on energy. That was the fruit of the Hampton Court discussions under our presidency in 2005, which flowed through to the spring conference of 2007, and led to an energy package and energy policy for Europe approved by the Council on 8 and 9 March 2007. The principle of solidarity applies—a theme that I shall develop later.

Energy policy, security of energy and climate change are all interconnected. There is already a single market in gas and electricity, and once again the single market flows from the single European Act of 1986, entered

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into by the noble Lady Thatcher. A single market exists for gas and electricity. It exists for the benefit of consumers, with competitive prices and appropriate transport and storage infrastructures. A great deal has been made of the fact that the revised European constitution—as it is called by Open Europe; we call it an amending treaty—will hand new powers over energy policy to the EU: there would be a specific legal base for EU legislation on energy, and energy would for the first time be subject to majority voting.

As Opposition Members such as the hon. Member for Kettering (Mr. Heilobone) said, the amending treaty extends qualified majority voting to new policy areas, and some of the new articles will be subject to QMV, reflecting existing practice for EU legislation in certain fields, including energy policy. The amending treaty will streamline and speed up decision making in a number of technical areas. The UK has always insisted on maintaining ultimate national control in the key areas of justice and home affairs, social security, tax, foreign policy and defence. The Lisbon treaty clarifies that position for the UK. Overall, the impact of QMV under the Lisbon treaty will be significantly less than, for example, under the Single European Act or the treaty of Maastricht.

Mr. Gummer: I negotiated for a long period in the EU, so will the hon. Gentleman accept from me that one is more likely to achieve one's national interest under the mechanism of QMV than by having a veto, because all the other countries know that if they steamroller a country in those circumstances, it can be done to them? The idea of consensus that that encourages greatly defends national interests, rather than damages them.

Sir Stuart Bell: I am grateful to the right hon. Gentleman for that point. He will also know that since the EU has been enlarged to 27 member states, QMV has worked well because they are all working together in a common European cause.

One of the difficulties I have with the Conservative position—which comes through repeatedly—is its wholly defensive approach towards the EU. It is extraordinary that the hon. Member for Stone, who has now returned to the Chamber, has somehow managed, either single-handedly or with the help of others, to persuade more Conservative party members to take the view that he took on Maastricht so many years ago. We will see whether that eventually plays in the country, but it is a great sadness for our great nation state that the great Opposition Conservative party, with values that go back more than 100 years, has taken a position very similar to that of the Labour party under Hugh Gaitskell in 1961.

Mr. Cash: I am all in favour of co-operation in the EU, provided that it is proper co-operation. The problem is when it invades the primacy and supremacy of the laws that are passed in this House.

Sir Stuart Bell: I think I answered that point a few moments ago when the hon. Gentleman was briefly absent from the Chamber. We have not given any powers away to the EU. We have pooled our sovereignty and our competences, and we have done so in our national interests and in the interests of the EU as a concept and an ethos.

We have also discussed nuclear energy. The Secretary of State referred to that; the hon. Member for Croydon, South (Richard Ottaway) intervened, and the hon. Member for Esher and Walton (Mr. Taylor), my hon. Friend the Member for Crosby (Mrs. Curtis-Thomas) and my right hon. Friend the Member for Leicester, West (Ms Hewitt) all had a little nibble at the issue. France and Finland will expand their nuclear energy, and the Commission declared in its energy policy for Europe that more than half the member states use nuclear energy, and that nuclear energy provides some 30 per cent. of their electricity. Decisions in this area are left to member states, as this House learned when dealing with the Energy Bill. I should, however, make the obvious point, which has to be pointed out time and again, that nuclear power does not cause carbon emissions. Therefore, it is part of the environment-friendly programme of this Government and the EU.

The hon. Member for Rutland and Melton talked about France. Nuclear power in France produces 75 per cent. of its electricity, and nuclear power has made France the largest electricity exporter in the EU. The UK's nuclear energy debate is coming to an end with discussion on the Energy Bill but, as has been pointed out, new nuclear power stations will have a role to play in the UK's future energy mix, alongside other low-carbon sources. In the public interest, energy companies will be allowed the option of investing in new nuclear power stations, and we should take the steps necessary to facilitate that. As the Secretary of State said in response to an intervention, nuclear is not the whole answer, and the energy White Paper sets out the measures being taken to enable us to become more energy-efficient and increase the supply of energy from low-carbon sources. Nuclear energy can contribute positively to the energy mix.

Sadly, debate on energy has for a long time been neglected within the EU. That is why the Commission President Barroso declared on 20 November 2006 that energy had been a forgotten subject that was not on the Union agenda, but that now it is back on the agenda and is also at the heart of European integration. That should be understood against a background of energy demand growing within the global economy at the same time as energy sources are being depleted. World electricity demand is expected to double by 2030—overall global energy demand will grow by 53 per cent. between 2007 and 2030.

The Union has so far enjoyed energy sufficiency at competitive prices and supplies from a variety of sources. Like the United States, the Union is a net energy importer, with 50 per cent. coming from outside the Union, rising to 70 per cent. in the next 20 to 30 years, yet member states must compete with other nations in world markets to secure supplies. It must be said that member states are unlikely to run out of energy in the next 50 years, but that does not lessen the obligation to plan for the worst while hoping for the best, as former President John Fitzgerald Kennedy once said. We have to plan for conflict and for supply interruption—the hon. Member for Rutland

and Melton touched on that. We must also plan for price variations; the Secretary of State commented on that, as did the hon. Member for Castle Point (Bob Spink).

It is against that background that we can debate article 176A of the amending treaty. It addresses the framework of the internal market and acknowledges the need to secure energy supplies as well as to preserve and improve the environment. It states that the Union's aim is

"a spirit of solidarity between Member States"

to

"ensure the functioning of the energy market",

the promotion of "energy efficiency" and

"the interconnection of energy networks."

As the Government's document "Global Europe: full-employment Europe" acknowledged in referring to the spring European Council meeting of May 2007—also referred to by the Secretary of State—the Union leaders signed up to an ambitious package of climate change and energy proposals with the objective of putting the Union on the path to becoming the world's first competitive, energy-secure and low-carbon economy. The goal of the Union must be to create an energy policy that provides energy-supply security and efficiency, assists in the reduction of carbon emissions and other greenhouse gases and links in with the Lisbon agenda. It is necessary to provide a competitive framework for the new technologies in the eco-industry that will not only enable the consumer to reduce their carbon footprint, but do so at reasonable cost.

Notwithstanding all that is said by opponents of the amending treaty, the paradox is that the goals of energy security, environmental protection and the fulfilment of the Lisbon agenda can come about only through the action of member states. That is made clear in article 176A of the amending treaty, which was, again, referred to by the hon. Member for Rutland and Melton. There is no single market in energy . The market indeed lies with each member state. That was touched on by the right hon. Member for Skipton and Ripon (Mr. Curry) when he referred on Second Reading to the gas contract that Bulgaria has entered into with Russia. My hon. Friend the Member for Crosby also referred to Russia in an intervention on the Secretary of State. I shall discuss Russia in a moment.

There are structural differences in the way in which member states fulfil their market requirements, and although the Union may lay down rules and regulations, the operation of them is a matter for each member state. It is true that the Commission has investigative powers within its competition competence, and that it has initiated legal proceedings in Germany against alleged infringements—I refer to the case of four electricity and generator suppliers. Any proposal to commit to further liberalisation of the gas and electricity markets of the Union could be led only by the Union, and member states would have to follow. The challenge for the Union is to urge member states along in the interests of the broader Union and in their own interests. That is the purpose of article 176A; it aims to provide a framework to those ends.

The Union must meet its own increasing energy demand and match that with its intended constraints to safeguard the environment. Such measures include: reducing carbon and other greenhouse gas emissions; developing hybrid cars to consume more biofuel; developing renewable energy; and, of course, resolving the debate on nuclear power. To return again to the comments made by the right hon. Member for Skipton and Ripon, much is often made about security of supplies when it comes to Russia. I believe that was also touched on by the hon. Members for Rutland and Melton and for Mid-Worcestershire (Peter Luff). The question is whether too much dependence is involved in dealing with suppliers from Russia. Is the Union's dependence on Russia to the detriment of the Union?

The Union's policy towards Russia is one not of dependence, but of interdependence. José Manuel Barroso has declared that interdependency is for the mutual benefit of both Russia and the Union, and that it requires transparency, the rule of law, reciprocity, non-discrimination and a level playing field in terms of market opening, market access and competition. In other words, interdependence means that the Union relies on Russia for a major part of its energy supply, and Russia sees foreign currency receipts from that and its trade with the European Union contributing some 40 per cent. of the Russian budget.

However, interdependence goes beyond energy supply. The Union is Russia's major trading partner—bilateral trade reached €96.55 billion in 2004. More than 60 per cent. of Russian export revenue comes from energy—most from exports to the Union. That is true interdependence. The Union has therefore every interest in deepening its relations with Russia and maintaining its access to oil and gas through long-term contracts, facilitating security of supply, which is so paramount to the Union's industrial efforts. I have cited Winston Churchill once, and I am happy to do so again. He said that dreams are good, but facts are better. The fact is that Russia has 27 per cent. of the world's known gas reserves, in addition to its oil reserves.

Of course, the Union imports from the Organisation of Petroleum Exporting Countries and has established a formal dialogue to improve communication about prices, supplies and investment. In 2003, some 23 per cent. of the Union's gas came from Russia, whereas Algeria provided 30 per cent. and Norway 25 per cent. That was also mentioned by the hon. Member for Rutland and Melton and my hon. Friend the Member for Barnsley, West and Penistone (Mr. Clapham). Algeria is a reliable and traditional supplier that enjoys a strategic energy partnership with the Union. I am glad that delegates from the Algerian Parliament will visit the UK Parliament, through the auspices of the Inter-Parliamentary Union, at the end of February.

The Government's policy and the amending treaty link energy policy and trade policy. The Union's aim is to integrate Algeria fully in the Union's internal market, and thus double its gas supplies to the Union. The Union has also signed an agreement with Ukraine to co-operate not only on nuclear safety, but on the integration of electricity and gas markets. The Union seeks to improve environmental standards in Ukraine's coal sector, and agreements have been signed with Azerbaijan and Kazakhstan. The Foreign Secretary's Bruges speech on 15 November followed in the august footsteps of the noble Baroness Thatcher. He called for

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an "environmental Union" and for the Union to be a "model power" in the 21st century. He also wanted it to be a low-carbon power.

There should be some unity across the Floor of the House on the following at least: an energy policy linked to a reduction in carbon emissions; a 20 or 30 per cent. reduction from a base year of 1990, with a longer-term goal of reducing emissions to less than 50 per cent. of 1990 levels by 2050; and all that being linked to sustainable development and poverty reduction, doing one's best for the environment and marrying that with energy security.

The Union spoke with one voice at the Bali conference in December in its search for a replacement for the Kyoto protocol. It gave world leadership to achieve these reductions in greenhouse gases. The Prime Minister added to that when he reported back from the European Council meeting in December. He said:

"Europe must also step up funding, including funding through the World Bank, to help the developing world to shift to lower carbon growth and adapt to climate change." [*Official Report*, 17 December 2007; Vol. 469, c. 597.]

On Second Reading, the right hon. Member for Skipton and Ripon quoted from Milton's "Paradise Lost". The European Union is not a paradise lost, but nor is it a paradise found. Whatever the views of right hon. and hon. Members of this House, the Union is here to stay. Europe has had centuries of fluctuating history, with its plagues, pestilence and wars, but now it has peace, prosperity and unity in diversity. The Union has chosen the path of civilisation, progress and prosperity, seeking to apply that to all its citizens. The hon. Member for Stone does not seem to think it a wise principle to follow civilisation, progress and prosperity. Perhaps he will give me an alternative.

Mr. Cash: It used to be the red flag, but now it is the European Union flag that the hon. Gentleman is waving.

Sir Stuart Bell: I must tell the hon. Gentleman that the Union flag has more stars than the red flag had.

Let us return to civilisation, progress and prosperity. The Union has sought to apply that notion to all its citizens, rich and poor and healthy and sick, including the weakest and most deprived. It seeks a liberal economy that does not conflict with, but is compatible with, a social model. I believe that those words come from the preamble, which is often derided across the Floor of the House, including by those on my own Back Benches.

The quotation cited by the right hon. Member for Skipton and Ripon brought to mind a quote from Henry David Thoreau, which I first heard from the lips of George Kennan during his 1957 Reith lectures—I said that I would be giving my age away during this contribution. He said that

"there is no ill which may not be dissipated, like the dark, if you let in a stronger light upon it, but if the light you use is but a narrow and paltry taper most objects shall cast a shadow wider than themselves."

It is to be hoped that the Government, in choosing these debates, such as this one on energy, by subject matter, will cast a stronger and better light on the operation of the Union, which is there for the benefit of all our citizens, now and in the future.

3.9 pm

Steve Webb (Northavon) (LD): It is a pleasure to follow the poetry and prose of the Second Church Estates Commissioner, the hon. Member for Middlesbrough (Sir Stuart Bell). He cited Churchill twice, as well as Thoreau and various other people of whom I had not heard. In the midst of that, the hon. Gentleman put his finger on a fundamental point: if we go back to the founding of the single market—I understand that the Conservative party still approves of that—we see that it implies the pooling of sovereignty. We cannot have a single market with common rules across national borders without such pooling. That must apply equally to the market for energy, but whenever the logic of being pro-single market is applied in a particular case, Conservative hackles rise and they cry, "National sovereignty!"

It is surely impossible to have things both ways, although Conservative Members may try to do so. If we support the principle of the single market, including a single market in energy, we must accept some pooling of sovereignty. Simply to say that we do not like a treaty because it involves some qualified majority voting on the structure within which the single energy market will operate is inconsistent. If we will the end, we have to will the means.

Mr. Harper: Will the hon. Gentleman address the question that the Secretary of State did not deal with satisfactorily? We already have the powers necessary for a liberalised energy market. Indeed, the Government extolled the virtues of the liberalisation introduced by that great woman, Baroness Thatcher, in the Single European Act. What will this treaty enable us to do in liberalising the energy market that we cannot do already?

Steve Webb: I am happy to address that point. When I intervened on the hon. Member for Rutland and Melton (Alan Duncan), who is no longer in his place, I put the same question to him the other way round. I asked him what Conservative Members were afraid of in the powers in the Bill, as it consolidates and clarifies existing powers.

Mention was made earlier of gobbledegook and double Dutch, but as European legislation and provisions go, article 176A is admirably clear. One could show it to the average person in the street, and they would understand immediately what it was talking about. It includes the aims to

"ensure the functioning of the energy market…ensure security of energy supply…promote energy efficiency … and … promote … interconnection".

Those are all clear and laudable aims, and putting them explicitly is better than having them brought in through the back door as environmental or economic provisions. The Secretary of State rightly pointed out that in the past, some of those energy goals have been achieved using other provisions—not as a pretext but as a route to them. Surely it is better to be explicit about energy policy and its goals, and that is what the treaty does. I cannot see what the Conservatives are

afraid of in clarifying the goals and adding the caveats. I have not heard a convincing explanation.

Mr. Weir: Does not that point illustrate the futility of much of this debate? Although the provisions that the hon. Gentleman mentions will be put on the face of the treaty, the real argument is about liberalisation, which will be bogged down because many nations support their national champions and will not support a full unbundling of powers.

Steve Webb: The treaty states explicitly that its role is to

"ensure the functioning of the energy market".

I accept that that is qualified by the provision that it shall do so

"in a spirit of solidarity between Member States".

However, it explicitly states that the Union should work on that aim, and I suggest that that will facilitate liberalisation, not stand in its way.

Ms Hewitt: I strongly endorse the points that the hon. Gentleman makes. Beyond simply clarifying the existing powers that the Commission and other EU institutions will have, the treaty also explicitly, and for the first time, protects the sovereignty of member states in respect of exploiting their own energy resources. That is the critical point that Conservative Members completely refuse to recognise. The treaty is an improvement on existing powers, as well as a clarification of them.

Steve Webb: I am grateful to the right hon. Lady for her intervention. My instincts, in all matters European, are to look for subsidiarity. I seek reassurance that the national interest is being protected, and in this case that is made unusually explicit in the article. It states, as she points out, that the measures included

"shall not affect a Member State's right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply".

Those are precisely the assurances that someone concerned about possible erosion of national sovereignty would want—and here they are. The hon. Member for Rutland and Melton got extraordinarily worked up over something that appears to say everything that we would want it to say, because of his generally vitriolic attitude to the European Union rather than because of the specifics of what we are discussing.

Mr. Cash: The hon. Gentleman was right to concentrate, in his very first words, on the internal market. However, if he has studied the interaction of all the different provisions in the energy framework, he will appreciate the fact that we will end up with several potential choices within a co-ordinated legal system dominated by shared competencies that will preclude member states from being able to pursue their own energy policies. That is where the problem lies.

Steve Webb: It is clear that the issue of energy, and the related issue of climate change, must be addressed at the Europe-wide level. It is not sufficient for any member state—or any nation state, in fact—to go it alone on such matters. I hesitate to say this to the hon. Gentleman, but there is a bigger picture. Our energy policy has two goals, both of which are explicitly mentioned in article 176—security of supply and combating climate change. The very first sentence of the article says that the energy policy will operate in

"the context of the establishment and functioning of the internal market and with regard for the need to preserve and improve the environment".

Those two priorities are stated explicitly, and the advantage of that is that we can pursue our national policies in delivering them, and the European Union will also work together to deliver them.

Issues such as emissions trading have to be agreed at a national level. We cannot address them effectively on our own. Energy policy is a classic example of something that the European Union should be doing. In many ways, the pressures that we face on security of supply and the environment make a more compelling case for European partnership and integration here than in many other areas concerning which people get exercised about the European Union.

Mr. Clappison: The hon. Gentleman makes the same case as was made yesterday by the hon. Member for Eastleigh (Chris Huhne), on the subject of home affairs. It needs no great prescience to suggest that the same case will be made in forthcoming debates about foreign and security policy, the environment and climate change. Is there any area in which the Liberal Democrats do not want further integration and concession of authority?

Steve Webb: There is a hierarchy of issues. Even the hon. Gentleman will accept that some policies are best determined by local government, some by national Governments and some by pan-European bodies—horses for courses. I have no problem with saying that energy policy requires a co-operative element, which is why the European Union has an important role to play.

Mr. Lilley: To paraphrase the hon. Gentleman's answer, there are no areas in which the Liberal Democrats would not concede more power to the centre.

Steve Webb: The record will show that that is an absurd comment, given what I said.

Article 176 also states that Union policy will

"promote the interconnection of energy networks".

That point has not been addressed much, and I hope that the Minister will say more about what is envisaged. It is an important issue for those of us who want to see more renewable energy. The example that springs to mind is our interconnector with France, which is locked into a high nuclear proportion in its energy supply, so it generates more electricity than it needs in the summer and has to export the excess using its interconnections. Such mechanisms create flexibility in the Europe-wide energy market.

The Minister for Energy (Malcolm Wicks): Given the Liberals' position of saying no to new nuclear in Britain, is the hon. Gentleman nevertheless happy to receive French nuclear-generated electricity?

Steve Webb: As the Minister knows, we operate in a Europe-wide energy market and we import nuclear electricity from France. Clearly, the long-term goal is a zero-carbon self-suffieient economy. That is the direction in which we need to head, but nobody is suggesting that we should turn off the taps tomorrow, or that we will become self-sufficient in that sort of timescale.

Mr. Edward Davey (Kingston and Surbiton) (LD): Does my hon. Friend not agree with me that if the French taxpayer wants to subsidise electricity that the British consumer can buy in an open market, that is a very good deal for the British consumer? French taxpayers have to subsidise nuclear energy generation in France to a huge extent. We are benefiting from France's having to export it at a market price.

Steve Webb: My hon. Friend has just given us the definition of the spirit of solidarity that we all want to see.

Mr. Gummer: Do we now understand that the Liberal objection to nuclear power would be entirely removed if it were proved to be cheaper and more cost-effective than any other system, irrespective of anything else?

Madam Deputy Speaker (Sylvia Heal): Order. I do not want us to stray too far down that route.

Steve Webb: For the record, Madam Deputy Speaker, I will say simply that we have a range of objections, of which cost is only one.

Returning to the treaty provisions on energy, it seems to me that there are several reasons why we should not be suspicious of greater EU involvement in energy policy, but should welcome it. First, the case for working together on climate change is more pressing than ever, given the worsening situation, and if we are to ensure that the costs of tackling climate change are fairly shared. That will not happen if individual states act in isolation; a co-ordinated effort is needed. That is why I welcome the Europe-wide measures on renewables that were announced last week. The Conservative spokesman did not make clear whether he supports Europe-wide action of that sort. That sort of measure can be very effective but it needs partnership, and the provision in the treaty will facilitate that partnership, rather than make it more difficult or require the work to be done through other provisions in other treaties. Let us be explicit and state clearly what is being provided for.

The second reason why countries need to work together on energy policy is that we face many of the same problems at the same time. The hon. Member for Middlesbrough mentioned dependence on Russian gas, and I think that coal will be of increasing importance. The United Kingdom will not face that problem alone; many other European nations will face it as well. We may well have common answers to those problems, which might be facilitated by the treaty. We have a common need to boost renewables, which in some cases may be done better by working together than by working in isolation. We have a common interest—the Secretary of State mentioned this—in developing carbon capture and storage technology, and there is a Europe-wide initiative on that. In my view that work is far too slow, both nationally and internationally, but it will certainly not be any quicker if we all adopt the Conservative "You in your small corner, and I in mine" approach to energy policy.

I admit that we were slightly surprised when energy was chosen as the topic for a day's debate—not because energy is not incredibly important, but because many of the provisions that we have discussed are consolidating provisions, and because one might have assumed that the Conservatives, who apparently favour free markets and a single European energy market, would be entirely in favour of the treaty's provisions in this respect.

Let me say a word or two about the other article being discussed—article 100, which relates to exceptional circumstances where there is a problem with energy supply. The point has been well made in the debate that it is one of two paragraphs set in the context of an economic policy section, and that the second paragraph to which it is being added is about EU fiscal support for countries struggling with their energy supply. That seems to be a measure that we should welcome and encourage, not fear. The hon. Member for Rutland and Melton was scaremongering in the extreme, offering all sorts of horror stories and saying that this or that could happen, but he provided no substance or evidence for that view, so it is hard to see what the problem is.

This seems to us one of the more straightforward parts of the treaty. When I realised that I was to have the joy of a day spent debating the Lisbon treaty Bill, I dreaded the prospect of the provisions that I would have to deal with being fiendishly complex—but I was astonished to read how plain and straightforward they were. The policy objectives of tackling climate change—

Mr. Lilley *rose—*

Steve Webb: I am just about to conclude. The policy objectives of tackling climate change and securing energy supply seem to us entirely laudable. They are objectives on which the national interest and the European interest are in harmony, not in conflict, so rather than be hostile to them, we should embrace them.

3.24 pm

Ms Patricia Hewitt (Leicester, West) (Lab): It is a pleasure to follow the hon. Member for Northavon (Steve Webb) and my hon. Friend the Member for Middlesbrough (Sir Stuart Bell) and to have this opportunity to contribute to the debate on an issue that is of real and growing importance to all our constituents. Despite the fact that the United Kingdom, thanks to our own liberalised energy market, has for many years been enjoying, on average, lower energy prices than those across the rest of the EU, in recent months all of us will have heard complaints from our constituents about the severe prices rises facing consumers following the wholesale price rises across the globe. At the same time, we have seen for many years the rightly increasing concern

among the British public about the impact of climate change, and therefore the need to change—indeed, to reduce—our energy use.

I intend to develop a point made by my right hon. Friend the Secretary of State for Business, Enterprise and Regulatory Reform in his opening speech: that the need for more action in Europe on energy issues is one reason—for me, one of many reasons—to welcome the Lisbon treaty and the Bill. Some years ago, when I was Secretary of State for Trade and Industry, I presented to the House this Government's first energy White Paper. We confronted the decline in Britain's North sea oil resources; we examined the policy implications of Britain ceasing to be self-sufficient—or largely so—in energy supplies and becoming a net importer of energy; for the first time we put climate change and carbon emission reductions at the heart of our energy policy; and we argued that in future, energy policy had to be central both to our relations and actions within the EU and, more broadly, to our foreign policy.

Mr. Harper: If, as we argue, the powers to liberalise energy markets are already available in the EU and what is missing is the resolve to liberalise, what in the treaty will change that lack of resolve and ensure that energy markets across Europe are liberalised in practice?

Ms Hewitt: The hon. Gentleman has had several goes at making that point. I shall return to it later in my speech, but the brief answer is that I have no doubt that, because the treaty clarifies powers or provisions that existed in earlier treaties in different sections and puts them together in a single energy power, the Commission, the European Parliament and the Council of Ministers will all feel a renewed commitment and energy in relation to energy issues.

Secondly, as I said when I intervened on the hon. Member for Northavon, the new provision to protect the energy sovereignty of member states in the context of issues that appropriately should be national competences is an improvement on earlier provisions. I would therefore have expected the hon. Member for Forest of Dean (Mr. Harper) to welcome it.

Mr. Ian Taylor: On the subject of competition, does the right hon. Lady agree that the key element is to reinforce the power of the Commission? The answer to my hon. Friend the Member for Forest of Dean (Mr. Harper) is effectively that bringing that clearly into the body of the treaty reinforces the Commission's power. The one thing that I am sure my colleagues are keen on is having a stronger and more effective Commission, without which there will be no liberalisation within the European Union.

Ms Hewitt: The hon. Gentleman is right, but I am afraid that there is a paradox—a real contradiction—at the heart of the position taken by those on the Conservative Front Bench, and by so many of his right hon. and hon. Friends. The ends that they want to secure, including the liberalisation of Europe's energy markets, require a stronger Commission, as well as, in many cases, an increase in qualified majority voting within the Council of Ministers—but that is precisely what they object to. That paradox gives rise to the rhetoric that we heard, especially yesterday, about those people in Brussels imposing things on us, as if Europe were an occupying power rather than a club of which we are a leading member.

The changes in the world of energy that we highlighted in the energy White Paper five years ago are taking place even faster than we anticipated—most notably, of course, the extraordinary growth in China, India and other emerging economies. It is not only the United Kingdom that is ceasing to be self-sufficient in energy supplies. The European Union as a whole, the United States, China itself, Japan and soon India—in other words, all the world's major economic centres—are, or shortly will be, net importers of energy.

I can develop that argument further: 50 per cent. of the world's daily supplies of oil are internationally traded. In just 10 years' time, 70 per cent. of the globe's oil requirements will be internationally traded. Of that 70 per cent., three quarters will come from west Africa, Russia and the middle east. The position with gas is similar. There are many, many more importers and fewer exporters, and many—perhaps most—of those exporters are hardly what one would call stable democracies.

In this world of intensifying competition—a world eloquently described by my hon. Friend the Member for Middlesbrough as this interdependent world—the challenges that we face in Britain are challenges that we face in common with our fellow members of the European Union. They are, notably, challenges involving how we secure our energy supplies and how we deal with and reduce CO_2 emissions. Equally, much of the action that we need to take in response to those challenges, we can take only in common with our fellow members of the European Union.

The problem—this is the point made by the hon. Member for Esher and Walton (Mr. Taylor)—is not that we have too much Europe, but that we have too little. *[Interruption.]* Let me develop the point. There is agreement on both sides of the House, even from the hon. Member for Rutland and Melton (Alan Duncan), that Europe's energy market is not a proper market; it is certainly not a single market—I think that I am quoting him pretty accurately on that. Instead, it is a highly fragmented market physically, but also economically and politically.

The hon. Member for Northavon said that an essential part of our strategy across Europe to secure energy supplies in future lies in having far more interconnections. It is essential in this world of intense and intensifying competition for energy that we have as many providers of energy as possible, and that we have as many pipelines, sources and supply lines as possible. That means more interconnections and more terminals—more storage capacity—for liquefied natural gas. That in turn requires a pretty substantial amount of private sector investment, and that of course requires far more effective liberalisation of Europe's energy markets.

The hon. Member for Rutland and Melton himself made the point that Europe's energy market is economically fragmented. He welcomed, as I hope we all do, the Commission's proposals to liberalise the market, in particular to unbundle distribution and production of energy.

Mr. Weir: How is that market to be liberalised when some of the main players in the EU, particularly France and Germany, have a totally different attitude to the idea and to the question of energy security? They see their security as built on their national champions, such as EDF and RWE. Liberalisation will happen only if those bodies are broken up and unbundled. As far as I understand it, not only France and Germany but Austria, Bulgaria, Cyprus, Greece, Latvia, Luxembourg, Slovakia and Malta oppose the proposals for unbundling. Even with qualified majority voting, how does that process have any chance of success?

Ms Hewitt: The hon. Gentleman makes an important point. We will secure our goal of energy liberalisation as we have secured so many other goals in Europe—by making and winning the argument, and by ensuring that the Commission comes forward with proposals that make full use of the powers conferred on it by the original treaty, including the competition power, and those that are so helpfully clarified in the Lisbon treaty.

Of course, the Commission's most recently published proposals stem directly from a broad strategic review of energy requirements and policy across the EU that was initiated by the Government when the UK held the presidency three years ago. Of course those proposals are not yet agreed, and of course we will argue about them. However, we have a better chance of winning those arguments not only because we are right—as I believe, and as I am sure that the hon. Member for Angus (Mr. Weir) and most other hon. Members believe, too—but because we will have a clearer legal base. That is set out clearly in article 176A, which is article 194 in the consolidated text.

The new provision, which protects subsidiarity for those issues that properly belong to member states, is another welcome aspect of the treaty. The new, helpful energy title ensures that in developing proposals for consideration by the Council and by Parliament, the Commission will concentrate on the four goals in paragraph 1 of article 194 and will not seek to intrude, as one or two of its earlier proposals would have done, on a member state's right to determine the conditions for exploiting its choice between different energy sources and the general structure of its energy supply. In other words, I believe that on energy the treaty will give us more of the right kind of Europe and less of the wrong kind of Europe.

One of the several reasons why the treaty is known in France as la Britannique may well be that we have won so many of the arguments: we have won all those that really matter.

Sir Nicholas Winterton (Macclesfield) (Con): The right hon. Lady seems to be placing great emphasis on the role of the EU in guaranteeing the security of energy for the countries of Europe. How does she explain the EU's plans for renewables, which do not include plans for nuclear energy? Even worse, they take no account of the back-up needed when the wind is not blowing. That would require Britain to have some 33 GW of capacity constantly available from conventional power stations. How does the right hon. Lady justify her argument? Surely it is nonsense—and European policy, in the main, is nonsense.

Ms Hewitt: I am afraid that the hon. Gentleman and I will never agree on that matter. I strongly support the European Commission's proposal and welcome the fact that our Government have endorsed it. The proposals set a stretching target for Europe to increase its renewable energy supplies. Indeed, our renewable obligations in Britain, which I extended when I was Secretary of State, have helped to secure a massive increase in investment—

Sir Nicholas Winterton: Only 1 per cent.!

Ms Hewitt: That significant investment was not only in wind farms, but, as we have seen with the Severn barrage, in tidal power.

Mr. Cash: Is the right hon. lady implying that she is responsible for the ridiculous idea that we could get 15 per cent. of our energy requirements from renewables?

Ms Hewitt: I have no doubt that we can achieve a substantial increase in that regard, especially through the use of wind power. The UK is blessed with wind resources, and we also have some of the world's leading technology companies—something that I should have thought the hon. Gentleman welcomes.

Sir Nicholas Winterton: They are subsidised.

Ms Hewitt: The reality is that rising demand for energy, increased competition for supplies and climate change mean that all countries, including Britain, will have to find the right energy mix. We need much greater energy efficiency, and we lag behind many of our European partners in that respect. We will also need to make use of renewables, cleaner coal, oil and gas, and nuclear energy—although the latter is not for all countries, and some member states do not wish to go down that route. Different countries will use all those energy sources in different combinations, as the new treaty makes clear.

Mrs. Curtis-Thomas: My right hon. Friend may have heard the sedentary intervention to the effect that renewables will be subsidised, but does she agree that subsidies will be needed if we are to develop the technologies necessary for tackling climate change and carbon dioxide production?

Ms Hewitt: I completely agree: that was the logic behind the introduction of the renewables obligation and its subsequent extension. Most renewables technologies are still too little developed to be able to stand on their own two feet in commercial terms, but the renewables obligation has pulled in the necessary investment much faster than would otherwise have been the case. That investment will help us to meet our carbon reduction targets, and to achieve the security of supply that hon. Members of all parties are worried about.

Sir Stuart Bell: Before my right hon. Friend leaves the point, does she agree that the European Council of 8 and 9 March last year made it clear that decisions about the choice of energy mix, the sovereignty of primary energy sources and the use of nuclear energy are matters for individual member states?

Ms Hewitt: My hon. Friend is absolutely right, and I am grateful to him for that clarification. He spoke earlier about Europe's dependence on Russia for so much of its energy supplies, and about Russia's dependence on earnings from its oil and gas exports. I should like to develop the points that he made a little further.

Despite Russia's economic dependence on oil and gas exports, it is failing to make the investments that it needs if it is going to meet its own growing demand for energy as well as the demand among the countries to which it exports. In addition—and Ukraine is the most notable example of this tendency—it has succumbed to the temptation of using its oil exports for blatantly political purposes. As long as the EU remains fragmented about energy policy, both politically and economically, the danger exists that Russia will be able to pick off individual member states. Europe must therefore speak with one voice on the common interests that all its member states have—certainly in respect of energy policy, but about many other matters as well.

We know that Russia is increasingly closed to EU investment in its energy infrastructure. Russia desperately needs that investment for its own domestic purposes, but it is denying it to its consumers and businesses. At the same time, Gazprom, one of the largest energy companies in the world, is increasing its investments in the European Union. It has investments in at least 20 European Union member states—it may well be more by now—including investments in some distribution networks. Not surprisingly, given how Gazprom is run and its close and rather murky relationship with President Putin, there are worries among our European Union partners about its growing influence within Europe's energy markets.

It is a reflection of the strength of existing provisions, which the treaty will re-enact and clarify, that the concerns about Gazprom's growing influence have already been referred to the European Commission's redoubtable Competition Commissioner, Neelie Kroes. I understand that President Putin complained at a meeting with Chancellor Merkel last year about Neelie Kroes's proposed investigation of whether Gazprom's growing role could impede the liberalisation of European energy markets, and that Chancellor Merkel replied that Gazprom should consider it an honour to be treated like Microsoft. It is a reflection that we might all enjoy of how important it is to have a strong Commission with strong pro-competition powers and a Council of Ministers that uses qualified majority voting in appropriate cases.

Mr. Brady: Many of us have concerns about Gazprom's strength and reach in European markets. Would the right hon. Lady go so far as to say that either the Commission or national authorities should be able to prevent Gazprom from investing in EU countries, to the extent of buying significant national energy suppliers?

Ms Hewitt: No, I would not. Indeed, I am pretty certain that such a move would be unlawful under European Union rules, which rightly prohibit discrimination against investors on the basis of nationality. My own strong view, which is reinforced by my years at the Department of Trade and Industry, is that Britain is a shining example of an economy that has benefited from being open to foreign investment. I welcome my right hon. Friend the Prime Minister's recent statement on sovereign wealth funds.

The right way to respond to the perfectly legitimate concerns about how Gazprom might, presumably at President Putin's behest, abuse its investments is to ensure that Gazprom, like every other investor and company, abides by European Union single market rules. The treaty—I do hope that I can persuade the hon. Gentleman of this—will not simply repeat the original treaty's pro-competition stance; it will clarify the legal basis for European Union action in relation to energy in a way that is wholly helpful to the cause of energy market liberalisation, which he and I both support. It will also clarify the subsidiarity of member states, on which I should think he and I also agree.

Mr. Brady: We do have a degree of common ground on that point, if on nothing else relating to the treaty. However, would not article 176A give the EU legislative powers in relation to maintaining the functioning of the energy market and the security of energy supply that would enable it to legislate to prevent Gazprom from taking such a position in the market?

Ms Hewitt: My understanding is that any action by the Commission against Gazprom would have to be taken within the framework of laws prohibiting discrimination on the grounds of the nationality of the investor. We might be getting into rather technical legal issues, on which I am certainly not an expert, but I am glad that I have made at least a little bit of progress with the hon. Gentleman on that point.

Before turning to my final point, I make a point that was made in an excellent bulletin from the Centre for European Reform on the matter. As it says, if Europeans are worried about Gazprom's role, they need to back the Commission's efforts to speed up liberalisation of their own gas market. To put it a little more crudely than the Centre for European Reform did, what is sauce for the goose is sauce for the gander. The very powers that enable the Commissioner to examine whether Gazprom might abuse its investment are also powers which, with the support of the Council of Ministers, will enable the Commission to rule out market abuses by Gaz de France, E.ON-Ruhrgas and some of the other monopoly or near-monopoly providers in parts of the European Union.

Mr. Mark Hendrick (Preston) (Lab/Co-op): I agree with my right hon. Friend that the treaty will be effective in co-ordinating European energy policy and ensuring more secure sources of energy for the Union. Is it not the case that the way in which the Russian Government are using Gazprom as a tool, and the fact that they are making bilateral agreements in 20 countries of the European Union, rather than negotiating with the EU as a whole, mean that they have far more leverage than we would want them to have? Although I agree that there should be more sources of energy in Europe to guarantee the security of supply, do not those 20 agreements with EU member states put us in a difficult position?

Ms Hewitt: My hon. Friend makes an important point. There will always be a large number of bilateral and sometimes multilateral agreements within not just Europe's market, but the global energy market. That is the nature of the contracts and relationships between different companies and different countries, but the response to the concerns that my hon. Friend and many others have expressed about Gazprom, which I share, is that the Commission itself, using its treaty powers, will be able to investigate whether Gazprom is abusing its market position in an anti-competitive way.

Mr. Ian Taylor: More than that, there is the energy charter treaty which the Russians signed up to in 1994. They accepted the legal obligations of that treaty prior to ratification. They have not ratified, but they are obliged to respect it. This regulates reciprocity of investment. The key argument that we have at present with Gazprom is that we allow it to invest in the European Union, but President Putin has steadfastly tried to renationalise the assets within Russia so that private western companies are effectively losing assets or not getting fair value for those assets.

Ms Hewitt: The hon. Gentleman is right. The Russian Government's action in relation to Sakhalin II is a good example of exactly that. The right response is not tit for tat—I do not think he was implying that—or to lock Gazprom out of European energy markets, even if that were legally permissible, which it is not. It would be wrong in principle, as well as unlawful in practice and damaging to the interests of our own consumers.

We will need to go on making that argument with Russia, and we need to do so with a single voice so that individual member states, perhaps thinking that they are acting in their short-term interests, do not seek to do different deals with Russia. We need Europe to speak with one voice to Russia and to try to persuade President Putin that by blocking off western investment in his energy infrastructure he is doing enormous damage to the interests of his own consumers and his own businesses, whose demand for energy is rising rapidly and needs to rise even more rapidly if the Russian economy is to grow.

Within the next decade or so, there is a real prospect of Russia, hitherto one of the major global suppliers of gas in particular, not having enough to meet its domestic demands, never mind the demands of those of us in the European Union.

Sir Nicholas Winterton: Is the right hon. Lady saying that European Union countries should not, as individual national Governments and countries, enter into bilateral agreements with Russia? If she is, I should say that that would be an extremely dangerous precedent, which could be introduced in many other areas of our economy and would undoubtedly lead to a federal state of the European Union. Surely that is the logical conclusion of her argument. Furthermore, will she also tell the House how many other energy—

Madam Deputy Speaker: Order. The hon. Gentleman is aware that interventions should be brief. Many hon. Members are waiting patiently to contribute to this debate.

Ms Hewitt: The hon. Gentleman is certainly misunderstanding me—whether deliberately or not, I do not know. I thought that I had made the point clearly in response to an intervention. Of course there will continue to be a whole range of bilateral—or even multilateral—agreements between companies and countries. However, Europe needs to speak with one voice on Russia's policy intentions.

Let me conclude on a more general point, which comes back to a point made by the hon. Member for Northavon. Since its inception, European Union member states have been able to choose to pool sovereignty and work together with others in the interests of each of us. In this interesting debate it has been extraordinary to hear the hon. Member for Rutland and Melton and many other Conservatives, although not all, on one hand claiming to support energy liberalisation across the European Union, and having no serious argument against the Lisbon treaty's energy provisions—as the right hon. and learned Member for Rushcliffe (Mr. Clarke) made clear—yet on the other being absolutely determined to oppose the treaty and vote against the Bill.

Furthermore, if and when the treaty is ratified by this Parliament and those of every other member state across the European Union, those Conservatives threaten to reject and denounce the treaty and throw into jeopardy the whole legal basis of the European Union's operation—and thus disrupt all the efforts, which they claim to support, towards energy liberalisation. That would be disastrous for our constituents' interests, for Britain and for the European Union as a whole. That fundamental contradiction in the official position of the Conservative party, which has undoubtedly allowed its anti-European prejudices to triumph over its supposed commitment to the interests of the British people, will lead the House to reject its position and, I believe, will lead the British people to reject it as well.

3.58 pm

Peter Luff (Mid-Worcestershire) (Con): I regard this as having been a rather unsatisfactory debate. I managed largely to avoid the debates on the Maastricht treaty, although sadly I was once called by the Whips to make a filibustering speech lamenting the then Opposition's wasting of time during the debates—there was a certain irony to that, although I managed to discharge my duty with reasonable decorum.

I find it unsatisfactory that we should be having a Second Reading debate on energy policy that lasts for four and a half hours, followed by a Committee stage that lasts for one and a half hours. My understanding is that things would normally be the other way round: normally a Committee stage lasts three or more times as long as Second Reading. We have it the wrong way round. It is a shame that it has taken more than three hours for the first Opposition Back Bencher—and I am not only a Back Bencher, but the Chairman of a Select Committee—to make their first contribution.

Having said that, I am delighted to follow the right hon. Member for Leicester, West (Ms Hewitt). I did not agree with everything that she said—particularly her concluding remarks—but it is good to see a former Secretary of State for Trade and Industry using her

skill and expertise and coming back to participate in debates. The right hon. Lady set a model for other former Cabinet Ministers in joining us in that way and showing herself to be a true parliamentarian, and I thank her for that.

There is another unsatisfactory aspect of the debate. We waited more than a year for a debate on energy policy, and then, rather like London buses, two came along together. We had an energy debate last week, we are having another this week, and the Minister of State and I are to have a third opportunity to catch the bus tomorrow, when the Minister will attend a sitting of my Committee to discuss energy prices and generating capacity. I am sure that many of these issues will be dealt with again in detail and in a very congenial forum, and a fine job I am sure the Minister will do of it.

So far in today's debate there has genuinely been little disagreement about the objectives that we all share. It has been very much a debate about mechanisms, which has made it slightly frustrating in many ways. I must tell the Secretary of State and the Minister that I am concerned about the provisions in the treaty, although not for the reasons identified by the right hon. Member for Leicester, West and certainly not for the reasons offered by the Secretary of State in his opening remarks. He suggested that the treaty was some kind of proxy for opposition to the European Union itself, and some kind of cover for a wish to withdraw from it.

I believe that the Government were once opposed to these provisions. They had sound, well-argued reasons for opposing precisely the provisions that they now ask us to endorse. It is a shame that they lost the negotiations on the issue, because their negotiating position was the right one for the country, but sadly they abandoned it, which is why we are in the position in which we find ourselves today.

As for my own position, it is simply this: ever-closer union must have its limits. There are some matters that all Members, however Europhile they may be, do not believe should be transferred to the competence at the centre. The limit must come somewhere. The question is where we should draw the line, and my contention is that in the case of energy policy the line pre-Lisbon was drawn in about the right place. I believe that the treaty pushes it a bit too far.

Why does this matter so much? All Select Committee Chairmen think that their subjects are the most important to the country, and I genuinely believe that energy policy is one of the two most important issues that the country faces. The other, for my money, is probably skills, in which we have some competence in another Department. Those are the two key issues involving United Kingdom competitiveness, and hence the United Kingdom's future ability to pay its way in the world and our long-term security.

Mercifully, skills are not in any sense a European Union competence, and I think that that is the answer that the hon. Member for Northavon (Steve Webb) should have given when he was challenged on the point earlier. Skills are an example of the competences that we believe should remain firmly in this country. *[Interruption.]* Perhaps there was no specific suggestion to the contrary, but it is a good example nevertheless, and I hope that the hon. Gentleman would have endorsed that view in any event.

We are debating the interrelatedness of energy policy and the European Union. What is also common ground between us is that there is no way in which British energy policy can be separated from European energy policy. It cannot be, and it should not be. In fact, when I write to constituents who urge withdrawal from the European Union, I cite energy policy as a reason for not doing so. Our ability to influence the European market in gas and, in particular, electricity depends on our membership of the European Union, and it is therefore absolutely in our interests to engage in energy policy. There can be no debate about that; the debate must be about how we are to engage in that policy.

The question I want to ask is "Do we need any new powers and competences at all?" A thought at the back of my mind suggests that we might, and I wish that we were debating it now. I think it was my colleague on the Select Committee, the hon. Member for Angus (Mr. Weir), who made the point about French and German national champions, and listed other countries with a chauvinistic approach to energy policy. It is certainly true that the conduct of British energy policy is shaped very heavily by the aggressive chauvinism of, particularly, the French and the Germans. There is no doubt that the European Commission, in its magnificent battles with the national champions in the rest of Europe, is encountering a great deal of resistance to the liberalisation of the European markets that is so much in Britain's interests. It is possible that we need new powers to deal with that, but I do not think we do.

Mr. Weir: Is not the crux of the new powers in the treaty the interlinking of the issues of energy security and liberalisation, given the attitudes of, for example, the French and German Governments, who exert huge influence on their own energy companies?

Peter Luff: The hon. Gentleman is absolutely right. The question that the House must seriously address is whether we need to pool new aspects of our sovereignty—to use the less controversial phrase of some of my hon. Friends—to achieve those objectives. I believe that existing powers are sufficient to deal with them, and we should be content to rely on them, rather than seek new ones.

Mr. Cash: I was interested in the exchange my hon. Friend had about the French and German position. Is he aware that, this week, France and Germany will seek to prevent a forced break-up of their power companies when they unveil a joint initiative, as reported in the *Financial Times*? It is precisely that problem that we are up against. It is not just a problem for the European Commission, but for the global marketplace.

Peter Luff: I was aware of that because my hon. Friend had drawn it to my attention earlier on. That development does not surprise me at all, and it is important that it is put on the record. I view with some trepidation what the development will actually entail when it is announced by those Governments.

Mr. Jim Cunningham (Coventry, South) (Lab): Does the hon. Gentleman agree that it is important that countries in Europe stand together as far as possible,

[Mr. Jim Cunningham]

even given the current difficulties? The Russians have certainly used energy as a weapon; they did so in Ukraine not too long ago.

Peter Luff: I do not remember whether the hon. Gentleman was here before the speech of the right hon. Member for Leicester, West (Ms Hewitt). She discussed at some length towards the end of her remarks—in my view, her analysis was absolutely right—the real challenges relating to Russia. It is not attracting sufficient investment in its own industry to guarantee the supply in its own marketplace, never mind its ability to export; that is the real fear about Russia. My worry about Gazprom is not so much its power, but whether it will actually have the power to sell when the time comes. I am slightly less concerned about that, although it is a big and complex subject that we do not have time to debate now.

I am grateful to Open Europe for its extremely good briefing on this debate, which points out that this is the first time energy will be subject to majority voting in the European Union, and that is a big change. I am not against pooling sovereignty, but the question is whether we need more powers to achieve the objectives we share. I do not believe that we do. The briefing emphasises:

"The Government said that these new powers were 'unnecessary' and that it had 'detailed concerns' about them."

But they swallowed their concerns and gave way on every point. I have seen a document that suggests what their original negotiating position was; I heartily endorse that position, and I am sorry that they gave up on it. I do not believe that the treaty does anything helpful by way of consolidation, clarification or addition to add to the powers that we already enjoy to break up energy monopolies on the continent, which are so important with regard to our own security of supply and price. The necessary provisions are already there.

I share with Open Europe the concern that the new energy powers will let the EU pass legislation on energy that has nothing whatsoever to do with the operation of the internal market. I cannot authenticate its figures, but Open Europe states:

"For example, in 2002 the Commission proposed a huge increase in statutory oil reserves. The UK vetoed this at the time, but under the Lisbon treaty the UK could not block it. If the Commission were to reintroduce the proposal in future it could cost the UK up to £6 billion to implement, with ongoing costs of £600 million per year."

The briefing points out the impact that that would have on energy prices at a time when we are deeply concerned about fuel poverty in this country. Those are real issues, but the Government have not yet satisfied me as to whether they will have an adverse impact on our constituents.

Let us consider the three articles that concern us—I am using the consolidated text. Article 4 defines for the first time, other than in case law, the shared competences of the European Union. The helpful Library note on shared competence says:

"In these areas Member States will have competence to adopt legislation to the extent that the Union has not exercised its competence. This has been interpreted by critics to mean, in effect, a back door to EU exclusive competence, giving the Union a right of first refusal with regard to competence, while Member States would only be able to do what the Union decided not to do."

Given my view about the centrality of energy policy to this country's competitiveness and security, it worries me that the Government have yet to produce good arguments for that formalisation of the sharing of competence, with its consequent effect on this House's ability to legislate on energy policy.

The second article, which we have already debated at some length and I have dealt with in response to an intervention, is article 122 in the consolidated text. It deals with

"the measures appropriate to the economic situation, in particular if severe difficulties arise in the supply of certain products"

I have still not heard a convincing explanation of the sort of circumstances in which that power could and would be used. It is a freestanding provision, which does not relate to the second part of the article, which refers to difficulties

"caused by natural disasters or exceptional occurrences beyond its control",

which is a broad definition. The Secretary of State suggested terrorism as an example, but I hope that, in those circumstances, the countries of Europe would naturally wish to do what was right and best for Europe, because that would also be in their self-interest. I do not understand the necessity for including a new power in the treaty. When I cannot understand the reason for doing something, I prefer not to do it. If there is a compelling reason for doing something, I will consider it. However, I am worried that we are adding powers for which there is no compelling need.

Article 192 in the consolidated treaty provides that the Council can act unanimously on

"measures significantly affecting a Member State's choice between different energy sources and the general structure of its energy supply."

That is helpful. The substantive article that we are debating—194 in the consolidated treaty—includes a subsidiarity provision, which states:

"Such measures shall not affect a Member State's right to determine the conditions for exploiting its energy resources,"

the North sea in our case—

"its choice between different energy sources and the general structure of its energy supply."

That is a good, useful subsidiarity point, which I welcome.

Sir Nicholas Winterton: How would my hon. Friend respond to the EU's scientific experts, who said of biofuels, which could cost up to £50 billion by 2020, that the policy outweighs the benefits to the individual countries that comprise the EU?

Peter Luff: I would love to get into a lengthy debate about biofuels with my hon. Friend because he makes a powerful point. I shall deal with renewables briefly towards the end of my remarks but I share his concern. We all assumed that biofuels were an unequivocally good thing, which brought unqualified benefits to our farmers and the environment, and we now realise that the matter is more complex than we first imagined. I

am glad that we are having second thoughts about the subject to ensure that any biofuels that are used genuinely contribute to environmental sustainability and do not have an environmentally negative impact.

Mr. Cash: My hon. Friend fulfils the important function of chairing the Select Committee on Business, Enterprise and Regulatory Reform. When we consider the duties, options and the extent of remaining choices, I hope he noted that the paragraph of article 194 that he cited ends with the important words,

"without prejudice to Article 192(2)(c),".

That takes us back into a labyrinth of other matters. As Chairman of the Select Committee, my hon. Friend may wish to consider in due course the legal basis for the article, and I am sure that the European Scrutiny Committee will be glad to help him.

Peter Luff: We could have great fun with that. I could almost share my hon. Friend's addiction to the nuances and niceties of the matter. He is right that the article states,

"without prejudice to Article 192(2)(c),"

However, article 192 provides that the Council will act unanimously, but

"without prejudice to Article 114."

I shall not turn back to article 114 to discover to which article it is without prejudice. Heaven knows where that would lead us. *[Interruption.]* My hon. Friend is right that the paper trail would lead us back to the beginning and I understand his concern.

Article 194 has four substantial provisions. One is to ensure the functioning of the energy market. We do not need such a provision because it is already implicit everywhere else. The right hon. Member for Leicester, West said that the article usefully consolidated matters, but I need to be persuaded.

The article refers to ensuring the security of the energy supply in the EU. I believe that the British Government, not the EU, have a central role to play in that. To be fair to them, they have done many of the right things. For example, the Planning Bill is a flawed but well meaning attempt to ensure that we have generating capacity. The Government have been working closely with the Government of Qatar and other places to ensure that we can import LNG. They have done much on gas storage, albeit sometimes belatedly. Security of energy supply is for national Governments to tackle and I am nervous about action at EU level.

The article covers promoting energy efficiency and energy saving, and developing new and renewable forms of energy. We are all in favour of that but, again, I am worried that the EU's power may be channelled in an unhelpful direction towards specific technologies.

I would like to see member states experimenting with different technologies. For instance, I have a hobby horse about hybrid cars, which I think are bad for the environment. Because of the total carbon footprint of the cars and the recycling costs, I think that clean diesel is better for the environment than hybrid technology. Toyota has made a great play of promoting itself as an environmental company because it uses hybrid technology. There is also a reduced congestion charge for hybrid technology, which I resent because I am not sure that it is the right technology. The state, in the shape of the Mayor of London, is taking a view on a particular technology, which is not helpful.

I worry that the energy provisions in the treaty could lead Europe to specify technologies in an unhelpful way. That is why I have some doubts, as the Minister knows—doubts, not objections—about the banding of renewable obligation certificates, because I worry that we will again be choosing technologies. However, that is a separate debate.

The only thing that is genuinely helpful is sub-paragraph (d), which says that policy will aim to

"promote the interconnection of energy networks,"

which I can see is hugely important for the functioning of energy markets. I also suspect that that provision actually adds to the existing body of legislation, so I have some sympathy for that part of new article 194.

The reason for my overall concern is that energy policy means different things to different people. When we talk about energy policy—we have seen that there is a consensus in all parts of the House—what we mean is often liberalisation of the European market, energy efficiency and renewables. However, when people talk about energy policy in eastern Europe, one word comes to mind: Russia. They have a different obsession, and understandably so—I am not making a criticism. The interests of eastern and western Europe diverge on energy policy, as do this country's interests vis-à-vis the continent. Again, I am nervous about pooling too much sovereignty, in case that is against our interests.

Mr. John Horam (Orpington) (Con): My hon. Friend has mentioned Russia, which is pertinent. Is he aware that Italy and the Italian company Eni are getting together with the Russians in joint schemes, such as the southern stream pipeline, which would totally bypass western Europe and give Russia direct entry into southern Europe? That is an example of where we should be concerned not necessarily about what the British Government are doing, but about what other countries are doing.

Peter Luff: I understand my hon. Friend's point. We could discuss pipelines, which are a very political subject, at great length. However, I have not thought through the implications of the development that he described, but it is helpful that he has made that point.

For me, there are two central things that Europe must prioritise. One is liberalisation, on which the Commission is working hard; the other is the carbon price, which is a very important mechanism. We are starting the phase 3 negotiations, and we shall see where they lead. However, my hon. Friend the Member for Croydon, South (Richard Ottaway) drew attention earlier to Dieter Helm's concerns about the long-term carbon price. Although the Commission's heart is in the right place—phase 2 is better than phase 1, and I am sure that phase 3 will be better than phase 2—I am still worried that the time scales for the mechanism for setting the carbon price are not long enough.

Investors are not sure—this concern has been expressed to me by potential investors in nuclear power, for example—that they can project 30, 40 or 50 years ahead, based on what the mechanism for setting the price will be. They do not know the price—they can

[Peter Luff]

take a view on that—but they need certainty about the mechanism. They know how oil prices are determined—it is called supply and demand, and they can take a view on that, too—but they do not know how the politics of setting carbon prices will work out. I am concerned that that remains the most important challenge for Europe, because we need a European price. We should therefore not divert attention from that crucial issue.

Very briefly—I have spoken for too long already and many other hon. Members want to speak—I should like to discuss renewables and the draft renewable energy directive. There are lots of targets floating around, which can get quite confusing. The UK has a target of 10 per cent. of electricity generation from renewables by 2010 and an aspiration of 20 per cent. by 2020. The EU has a target for the generation of 20 per cent. of all energy from renewable sources by 2020, from which we now know that the UK's target is likely to be 15 per cent.

That 15 per cent. target is much more challenging than the UK's existing aspiration, because it will translate into a higher figure for electricity generation, which comprises only 18.5 per cent. of the energy market, and because we do not have the policy levers to pull to produce the solar gains in other areas. The target will translate into a big demand for renewable electricity generation. When we have the Minister for Energy before the Select Committee on Business, Enterprise and Regulatory Reform tomorrow—here is a clue to one line of questioning—we will be pushing him a little on what he thinks that target will mean in practice for renewable electricity generation as a percentage of total generation, because I just do not think that we can achieve it. That target—that expectation, aspiration or whatever one likes to call it—is unrealistically high and I do not think that we can meet it.

There is some speculation that the then Prime Minister Tony Blair did not understand the difference between energy and electricity when he negotiated the figure. I understand that, because although we have energy reviews all the time, they are actually always electricity reviews. But there is a real problem here. The European Union is about to impose on us a target that I do not believe we can meet.

Mr. Weir: The hon. Gentleman talked about the carbon trading initiative in the European Union. My understanding is that, within that, there is also a mechanism for trading renewable energy through certificates of origin. So, what might happen is that the countries that are closer to meeting their targets on renewables will end up selling certificates of origin to those that are not meeting theirs, to boost their amounts.

Peter Luff: The hon. Gentleman is absolutely right. That is the way in which the mechanism would work, and I imagine that that would mean additional costs for UK energy consumers. I worry about that, but I am sure that that is exactly what will happen.

Interestingly, the race for renewable technology can have a downside. I am told—the Minister might wish to correct me—that Holland has the highest level of onshore wind generation in the European Union. The result of that, however, is that it needs so much back-up hydrocarbon technology for when the wind does not blow that it also has the highest per capita carbon dioxide levels in the EU.

These are difficult issues for us to resolve. Unless there are compelling reasons in the British interest not to do so, I believe that these matters should be resolved by this House and our Ministers. We have a good Energy Minister at present, and I would rather that he dealt with these matters. I do not want us to let these powers go or to pool them unnecessarily.

I have severe reservations about the way in which this market will work. We have a lot to do to ensure that our own market will work effectively. There is news, apparently, that EDF might be about to buy Scottish Power—it is a bit of an outside chance, but it could happen—which would reduce from six to five the number of suppliers in our market and raise big questions about the competitiveness of the UK energy market.

Mr. Weir *rose—*

Peter Luff: Ah! The hon. Member for Angus might have some news on this matter.

Mr. Weir: No, I was just going to point out that Scottish Power is already owned by Iberdrola of Spain.

Peter Luff: That is absolutely right. EDF is actually buying Iberdrola. It is a long and complicated chain of events involving a number of European energy companies but, basically, it looks as though there could be further consolidation of ownership in the British market. There are big issues facing competition in this market as well. I still think that the balance of power is about right as it stands, and I am not persuaded by the Government's case for the energy provisions in the Lisbon treaty.

4.21 pm

Mrs. Claire Curtis-Thomas (Crosby) (Lab): It is a pleasure to follow the hon. Member for Mid-Worcestershire (Peter Luff). I might not agree with some of the sentiments that he expressed, but he always speaks eloquently on this issue—no doubt as a result of his chairing the Business, Enterprise and Regulatory Reform Committee.

I have listened closely for the past four or five hours to the arguments from Opposition Front-Bench Members and other hon. Members who have tried to justify our rejecting article 192 in the consolidated texts of the EU treaties as amended by the treaty of Lisbon. I believe that the amended treaty merely recognises a need to reflect a developed understanding between existing and new member states, and reaffirms existing agreements. It also takes the opportunity to assert an unequivocal position on the promotion of energy efficiency and energy saving, and on the development of new and renewable forms of energy. It is this element of the reaffirmed energy policy that I wish to discuss today.

First, I want to refer to the recent announcement by my hon. Friend the Minister for Energy. As his White Paper on nuclear power and the Lisbon treaty unequivocally state, human-caused climate change is in large part due to huge emissions of carbon dioxide. As a result, we have a moral as well as an expanding economic duty to begin converting our industries, homes and means of transportation to more environmentally friendly technologies. The House of Commons has a duty and a responsibility to debate the merits of nuclear, wind and coal power in Britain. It might be politically risky or inopportune to suggest higher energy costs in the short term, but we must consider that a down-payment on a much brighter future. That has certainly been the case for some of our renewable resources.

We owe it to our children, and to their children, to blaze a trail to greater environmental and ecological well-being, but also to keep Britain competitive and current in the European and world economies. New technology undoubtedly offers a great market opportunity for British-based companies. Making a change to nuclear power, as the Government have proposed, will undoubtedly incur short-run costs.

The recent White Paper estimated that assessing designs and location strategies, licensing new plants and establishing an application process will not take place until 2013, well before the construction of new nuclear plants can begin. During that time, spending on these plants will be condemned and lambasted by Opposition parties, rendering the nuclear plan a significant political liability. However, it is essential that we follow this path, but we must never under any circumstances underestimate or undervalue our desire and our need to develop other technologies.

The Stern review of 2006 concluded that up to 1 per cent. of the world's gross domestic product should be invested each year to mitigate the worst effects of global climate change by restricting the release of greenhouse gases. The catastrophic result of saying that we will take care of it later is not simply that exotic plants and animals will die; according to Stern, global GDP will eventually suffer the immense consequences of climate change as a result of severe weather, including hurricanes, wind and flooding. Stern concluded that if we begin acting to reduce greenhouse gas emissions by increasing renewable energy sources, further capping the emissions of coal plants and increasing the usage of nuclear power, we will save money later in the century. Making sacrifices now will create a much better situation in future. I believe that the UK must take a lead so it can guide its allies in America, India, China and the developing nations on these policies.

I turn now to the challenge that faces us all in relation to the promotion of energy efficiency, energy saving and the development of new and renewable forms of energy. So many of my constituents—

Mr. Lilley: On a point of order, Madam Deputy Speaker. As I understand it, this is essentially a Committee stage, so is the hon. Member for Crosby (Mrs. Curtis-Thomas) in order in giving us a general dissertation on Chinese energy policy, which has absolutely nothing to do with the treaty, let alone the detailed provisions of the Bill?

Madam Deputy Speaker: We are not yet in Committee. I am occupying the Chair here rather than at the Committee Table, so I am afraid that the right hon. Gentleman has misunderstood the position. I believe that the hon. Lady was going rather wide of the debate, but I repeat that the House is not yet in Committee.

Mr. Harper: Further to that point of order, Madam Deputy Speaker. Surely it is the case that the motion before us relates to approving the Government's policy on the treaty of Lisbon in respect of energy provisions. It is not a debate on Britain's energy policy in the wider sense, but on the treaty provisions that relate to energy.

Madam Deputy Speaker: The hon. Gentleman is absolutely right in his remarks. Perhaps the hon. Lady will address her remarks in that light.

Mrs. Curtis-Thomas: I am dealing now with the promotion of energy efficiency, which is covered in article 197C. Some of my constituents would expect the treaty to consolidate energy security and trading markets, but that is not the main subject that focuses their minds. They want to know how we are going to use this treaty to tackle climate change, and I believe that that desire is strongest among the youngest members of our society. Schoolchildren in my constituency and members of my own family are greatly focused on that aspect of this treaty. We often talk about how Parliament can engage young people and it is clear that this is a very relevant platform for them—one that I wish to express on their behalf.

It is this generation of young people who will without doubt have to confront the serious consequences of climate change. It is not just the young people of Europe whose lives will be affected in an unprecedented way as a result of energy utilisation. The children of developing nations such as Sierra Leone, for example—many of whom live without any energy, light or heat for cooking or manufacturing—are likely to bear the consequences of excess energy utilisation today.

I know that the development of new and renewable forms of energy provision in the treaty will do more than just drive new technologies within the EU—in respect of which we will inevitably take a lead—as the significant investment will greatly assist developing nations that have very little access to energy sources within their countries now. We need to share with them our knowledge as well as the products of this new element in the treaty. It seems so utterly unfair that we constrain the energy utilisation of emerging countries because we have become only too well aware of the impact of unconstrained use in our own. We have to do all we can not just to find ways to generate the energy, but to be far more creative in respect of conserving the energy we have already produced. That will require technological innovations and significant public information and educational programmes, which I hope will flow from the new treaty.

Young people must be made aware of the importance of combating climate change. Although many of my local schools have taken their own initiatives on that,

[Mrs. Curtis-Thomas]

climate change is not covered in the primary or secondary curricula, except for a very small intervention in geography subjects.

Madam Deputy Speaker: Order. I must remind the hon. Lady that that is a subject for debate on day 8, rather than today.

Mrs. Curtis-Thomas: In conclusion, I want to emphasise that although young people have a major role to play in combating climate change now and in the future, Members of Parliament also have a duty to do that. Under the energy element, we are invited to introduce a number of new instruments in order to be in compliance with the treaty. Those instruments should lead to the extension of current initiatives in the UK, including those on controlling carbon emissions around town, such as through charging exercises and the low-emission programme that the Mayor has just introduced. It is important that this element has been included in the treaty. I welcome it and the support the House will give to the treaty today.

4.31 pm

Mr. Ian Taylor (Esher and Walton) (Con): I shall be brief, as I know that other Opposition Members wish to contribute, and in the interests of having a balanced debate, I shall try to give them sufficient time to do so.

I support the insertion of the energy element in the new treaty, as I have long argued that energy was insufficiently covered in existing arrangements, and having a more common EU energy policy is becoming an issue of increasing UK national importance.

Many contributions to the debate reflect the self-confidence that has come from decades of energy self-sufficiency in this country, but the reality is that we are now rapidly getting into a state of energy insecurity. It is interesting that a consultancy firm, Inenco, says that the number of nuclear and coal plants coming out of service over the next few years make shortages likely. It believes that demand will overtake supply some time between 2012 and 2015, creating a serious generation gap. As I hope there will be a Conservative Government at that time, we should deal with this matter quickly.

Although I support the desire to have new nuclear power stations, they will not by themselves fill the gap because they will not be ready in time. It is right that the Government are encouraging them by providing regulatory and support frameworks for investment in nuclear power stations, and I am delighted that my hon. Friend the Member for Rutland and Melton (Alan Duncan) has supported the Government in that. However, we face a problem, which is shared by most other EU countries, although the extent of the problem differs: there is within the EU an increasing dependence on imported energy. Rather than have a "beggar my neighbour" attitude—that is, by and large, the attitude of Members who wish there to be no more pooling of sovereignty or community engagement—we should have a constructive approach.

That is increasingly important in the context of the world energy situation and of the way in which some of our energy is increasingly supplied. The African position is worrying for the EU as a whole. It is true that Algeria is one of the largest suppliers of its own energy to Europe, but let us consider the situation across the African continent. There is now very strong Chinese investment in, for example, energy in Angola, and the recent Gazprom negotiations in Nigeria cause serious concern about the future of the Nigerian energy supply. Uncertainties are arising, and they need to be discussed at European level.

The increasing dependence on Russia, which has been mentioned by several hon. Members, should give a pause for concern. About 25 per cent. of our energy comes from Russia, but that figure will rise to 40 per cent. by 2030, according to the Commission's figures. It is difficult to know exactly what will happen. Interestingly, Russia is the second biggest producer and exporter of oil—after Saudi Arabia. It accounts for about 12 per cent. of global production, although it has only 6 per cent. of global oil reserves, so there are a few questions marks over its continuing prosperity. There is no doubt that Russia's ability to generate huge capital reserves because its energy is being sold at elevated prices means it will dictate much of what will happen over the next few years. Given all those circumstances, we need to deal with energy coherently at the European Union level.

Mr. Adam Holloway (Gravesham) (Con): Does my hon. Friend agree that the treaty could have an effect on concerns about energy security, particularly in eastern European countries, and could therefore be used in such a way that the UK loses control of its own energy stocks in an emergency?

Mr. Taylor: I disagree with my hon. Friend. The treaty may make it more likely that we do not lose that control.

The situation is cause for concern because Russia is picking off individual members of the former Soviet Union and doing some alarmingly worrying deals. The Baltic states are very susceptible to that influence. A different deal with Bulgaria has just been done, and it too is of concern. It involves both Gazprom and the approval of a particular pipeline that has been mentioned earlier. We should not be unaware that the Russians are determined to ensure that there is a single source supplier of energy—gas and oil—to Europe, and that the way the pipeline has been negotiated means that for a period of years, until we find some way of bypassing it, there could be a single source. That would mean that Russia would be able to pick off members of the European Union.

I think everyone in this House agrees that the European Union cannot allow any one of its members to be influenced by an external country. That is one of the solidarity issues that we have agreed ever since we joined the European Union. As energy is now a security issue, the danger is that some of the former Soviet Union countries that are now part of the European Union could be very vulnerable to the Soviet tactics of the Russian Government. I do not wish to name a particular country, because to do so might draw too much attention to it, but one can use one's imagination as to which countries I am discussing. We therefore need to get our act together, and the main principles of the treaty and the changes in article 176A are crucial.

Mr. Cash *rose—*

Mr. Taylor: I shall, of course, give way to my long-term friend.

Mr. Cash: Does my hon. Friend have any thoughts on the interaction between Russia and Germany, and, of course, Mr. Schroeder and Gazprom?

Mr. Taylor: A lot of very worrying negotiations are going on, particularly as they affect Lithuania and Poland. They are therefore European Union matters in which we have an interest. That was one of the most helpful interventions my hon. Friend has ever made, because it confirmed my point that these are European Union matters rather than national matters. He is, of course, an expert on the treaty, but he does not always understand what he has said. Article 176A is crucial. Paragraph 1(a) states that the Union should aim to

"ensure the functioning of the energy market".

All four sub-paragraphs require the Commission to have strong powers, and if this treaty enforces the powers of the Commission, that is a very good thing.

My hon. Friend raised the problems of the French and German desire to discourage unbundling. I shall quote the *Financial Times* from Monday, in which the energy Commissioner stated:

"Our main priority is that customers can choose and have an active role in the market. That will bring prices down. If you do not like your supplier you should be able to change."

Bravo. A good Conservative like me believes strongly in an effective and powerful Commission, reinforced by the European Court of Justice, and including energy policy.

Article 176 expresses the desire to

"ensure security of energy supply in the Union".

That is touched on in the points that I have just made.

In an earlier intervention in the speech by the right hon. Member for Leicester, West (Ms Hewitt) I commented on the energy charter treaty that the Russians have signed and which has recently received much attention. I hope that the Minister will have another look at that treaty, because it raises considerable concerns about energy supply and the role of the Russians, especially Gazprom. They have signed the treaty, and that requires reciprocal arrangements, including investment and other characteristics of the energy market. As the treaty is in existence, we should hold the Russians to account and perhaps ask whether it would be right for them to be given easy entrance into the World Trade Organisation before starting to honour the treaties that they have signed. I draw the Minister's attention to early-day motion 798, in my name.

If we are to achieve the aim of ensuring the security of energy supply in the European Union, we have to take collective action. Article 176 also states that Union policy will

"promote energy efficiency and energy saving and the development of new and renewable forms of energy".

We have had those discussions and I do not need to say more about that. It is clear that each nation will have a variety of choices in how it achieves that, and that is enshrined in the treaty as a national interest.

We have to ensure that we meet our environmental objectives, and also diversify into reliable energy sources. I am all in favour of renewable energy, but I am not entirely certain that it will provide reliability of supply. I hope that the Minister will be challenged on that in the Select Committee, which is admirably led by my hon. Friend the Member for Mid-Worcestershire (Peter Luff).

The article also says that EU energy policy will

"promote the interconnection of energy networks".

That is an important issue for the EU, because if there were a problem, the Union would have to intervene. Pipelines will be a cause of increasing concern. The threat to pipelines and supply touches on another useful clarification in the treaty, about the common foreign and security policy. That is not only an external issue—for example, but not uniquely, with Russia—but a domestic or even, one might say, a European homeland security issue. In a recent Government announcement, this country has already made it clear that companies will have to pay for the military to secure the gas outlets within the United Kingdom. That does not surprise me. Indeed, we will have to go further, and there will be more obligations.

Security of gas and oil supply through pipelines in the European Union is a British national interest. If a pipeline somewhere else is blown up, it is a problem for us if it is part of our supply. Who protects Norway? We forget that the Russians are also encroaching on the Arctic circle, and any threat to Norwegian supply would be a grave problem for us.

This debate, which is narrowly focused on energy, indicates just how important it is for this country to start to think positively about the role of the European Union. We cannot influence such matters on our own. We cannot afford breast-beating declarations that Britain is best, or that we must look after our national interest, as if that were a zero-sum game that excluded everybody else. We are in this together, and we are in a much more insecure world. We start increasingly from the position of a lack of control over sufficient energy supplies for ourselves. We are becoming a net importer, which increases the insecurity.

I hope that the Minister will pick up some of those points and talk positively about the benefits of the Lisbon treaty. If he is not positive about them, no wonder the public at large are confused. The treaty is a good thing for the United Kingdom. Let us cut through the cant and understand that if we play the game properly, we can have disproportionate influence. Many other countries in the EU are looking to us for that leadership.

4.45 pm

Mr. Mike Weir (Angus) (SNP): It is fitting that energy forms part of our debate, given that the whole concept of the EU grew out of the European Coal and Steel Community, but energy is one of the less satisfactory areas of the European project and, to be frank, I do not think that the proposals in the treaty will do a great deal to improve the situation. European policy swirls around the concept of liberalising energy markets and the belief that such liberalisation will lead to a better deal for consumers, but, given the recent experience of UK consumers and the swingeing energy

[Mr. Mike Weir]

price rises that we have suffered in our so-called liberalised market, it is at least questionable whether we are getting any real benefit from it.

It is often argued that one of the reasons for that is the non-liberalised nature of the European market and its interaction with the UK market, especially through the gas interconnector. *The Independent* put it well when, on 8 January, it reported:

"For their short-term supplies, companies on the Continent come to the liberalised UK market where the wholesale price is significantly less than the oil-indexed gas sold on the European market. Their short-term supplies met, the European groups then hoard their stored supplies, crimping demand and driving the price up further still."

In other words, the actions of the major European suppliers mean that prices in the UK rise. We have heard today about moves to centralise further the European companies' hold on various markets.

The purposes of the new energy provision, article 194, are to

"ensure the functioning of the energy market...ensure security of energy supply in the Union...promote energy efficiency and energy saving and the development of new and renewable forms of energy"

and

"promote the interconnection of energy networks."

None of us would have any great problem with any of that, and we certainly do not intend to oppose this part of the treaty—it is all very much motherhood and apple pie stuff. My difficulty is that although it all looks great on paper, what is actually happening in the EU seems to me to be somewhat different.

The Commission has been trying for some years to liberalise the markets, and in September last year it produced its third liberalisation package. The proposals consist of four documents that would amend the existing gas and electricity legislation, and a fifth that would establish a new agency for co-operation among energy regulators. The Commission's aim is clearly to remove barriers to creating a fully functioning internal energy market, which it believes will ensure open and fair competition and effective regulation, leading to lower prices for European consumers in a single European electricity grid, which it wants to have in place by January 2009. I have already expressed scepticism about whether the liberalised market truly leads to lower prices, but the real fly in the ointment of the proposal is that the Commission wants to achieve a liberalised market using the mechanism of unbundling ownership—in effect, breaking up the vertically integrated energy companies that operate on the continent and having separate ownership of generation and transmission networks.

That is all very well in theory, but as I pointed out earlier in an intervention, several of the large European states—France and Germany in particular—are dead set against that approach, because their idea of energy security is based on the concept of having national champions in the energy market through promotion of big vertically integrated energy companies with a large element of state ownership, or at least state influence. Electricité de France—EDF—is a classic example. There is a conflict in article 194 between the idea of security of supply and the idea of liberalisation of markets, because there is no definition of how we are to achieve security of supply, and there is a fundamental difference between the UK Government's approach and the approach favoured by France and Germany, for example. In passing, it is worth nothing that the UK Government see new nuclear power stations as important for future energy security, yet the company most likely to invest in them is one in which the major shareholder is the French Government.

It is also highly unlikely that France and Germany will agree to ownership unbundling that reduces their Governments' influence over the internal energy markets. That is doomed to failure. When I put that to the Secretary of State, he said that qualified majority voting was the key, but at the end of July last year, not only France and Germany, but Austria, Bulgaria, Cyprus, Greece, Latvia, Luxembourg and Slovakia sent a joint letter to the Commission arguing that ownership unbundling should be only one of a few options. Cyprus and Malta have also expressed additional fears about that. Even with qualified majority voting, we will be unlikely to get agreement on unbundling in that way.

As is the case with all things European, it is likely that a compromise will eventually be reached. Hopefully, it will be along the lines of what is known as the Scottish solution, which operates by separating transmission operators while leaving the integrated companies. However, being European, who knows what will come out of all this? I am interested to hear what the UK Government's position on the energy market will be if the full unbundling option does not proceed. Are we in for many years of arguing about that before we come up with a compromise?

The provisions of the treaty will not change things, because we could do much of what is proposed by using existing legislation. We might be putting those provisions on the face of the treaty, but it will not make a great deal of difference.

I want to raise a specific point on article 194 and its relation to article 100. Much has been said about that, and the circumstances in which help would be given to other nations. I find many of the arguments somewhat bizarre. A great deal of concern has been raised about the position of Gazprom in the European market. It is active not only in the eastern part of the European Union, but also in the western part, where it has tried to buy up transmission capacity. Indeed, at one time it was looking at Centrica.

As the hon. Member for Esher and Walton (Mr. Taylor) hinted, the article gives confidence to members of the EU in the east that the west will come to their aid if Russia, or Gazprom, tries to cut off their gas supplies. Members of the Select Committee on Business, Enterprise and Regulatory Reform—or on Trade and Industry, as it used to be called—who visited some of the eastern European countries during our investigation found clearly that that is, rightly, a serious concern for them. They see the EU as their anchor in democracy against Russia, but they are worried about the gas situation. The article is sensible because it gives them confidence that they will not be left out in the cold—no pun intended—if Gazprom does that.

We had a brief diversion into biofuels. I remember speaking to a representative of a major oil company about the future of biofuels, and that person talked

about second-generation biofuels—those that come not from palm oil or corn but from wood and wood offcuts. The representative said that they would be made in areas with large forests. Guess where that is going to be in Europe? Eastern Europe and Russia. So there is a potential problem with biofuels, too, if we do not get this right.

No debate on energy would be complete, as I am sure the Minister will be delighted to hear, without a reference to our old friend transmission charges—something that I have discussed with him on the odd occasion. I have mentioned the discriminatory nature of transmission charges in the UK before, particularly with reference to renewable generators in Scotland. However, the subject also has a European dimension. If the Commission is serious about creating a European grid, the question of transmission charges throughout Europe will have to be addressed.

Under the Commission's proposals, national regulators are given an obligation when fixing or approving tariffs to ensure that network operators are given incentives to foster market integration. Scottish and Southern Energy, among others, has pointed out that one of the key obstacles to effective market integration is the discontinuity in generator tariffs at national borders.

The guidelines limit the maximum average generator charge, but that still leaves scope for massive discontinuities at national borders due to extreme locational tariffs in some member states. That is an important consideration in the UK, as the guidelines say that the average UK tariff should be €2.4 per megawatt-hour. The UK complies with that average, but that disguises a vast range of locational charging arrangements set by the national grid and approved by the regulator—in our case, by Ofgem.

The European guidelines allow differentials, but state that a differential of €20 per kilowatt-hour would be an extreme example of locational pricing and a significant barrier to European trade. However, in the UK the difference between northern Scotland and southern England is more than €40 per kilowatt-hour—twice the extreme example cited by the European Union. If the treaty goes through, as I am sure it will, and the new electricity measures come into being, I look forward to the European Commission taking an interest in that extreme example of discriminatory pricing and overturning the UK Government's refusal to do anything about it.

That subject is linked, too, to the new European decision on renewable energy generation. In an intervention, I mentioned the interesting fact that although the EU is now setting renewable generation targets for each member nation, there is a proposal for other countries to trade certificates of origin. That could lead to a great deal of trading of renewable energy. That could be a huge benefit, particularly in Scotland, because of the potential for renewable generation. I look forward with interest to seeing how it will be implemented in the UK.

I realise that time is running out, and so I shall bring my speech to a close. It seems to me that much of the debate about European energy before the treaty was presented to us was about who should set energy policy—Brussels or London. In our view, both are wrong. Scottish energy policy should be controlled from Edinburgh.

4.58 pm

Mr. Mark Harper (Forest of Dean) (Con): I shall of necessity be brief and raise just one or two points. The first is directly relevant to article 176A(d) of the treaty, and concerns the promotion of the interconnection of energy networks. One point that will be keenly felt by my constituents concerns the pipeline from Milford Haven to the national gas grid. One of my concerns is that we should ensure that local people's influence on the way in which those energy networks are put together should not be downgraded. The Minister for Energy will know that his boss, the Secretary of State, recently turned down an above-ground installation on that pipeline following an inspector's report. That was an important battle which was keenly fought by my constituents. They would not want to feel that their ability to influence the way in which those networks were put together was damaged by the treaty and its provisions.

My hon. Friend the Member for Mid-Worcestershire (Peter Luff), Chairman of the Business, Enterprise and Regulatory Reform Committee, pointed out that the Government's negotiating position initially was that they did not want these provisions. They felt that they were unnecessary and argued against them. Now, they are arguing in favour of them. I do not necessarily agree with all the points made by my hon. Friend the Member for Esher and Walton (Mr. Taylor), but he did a better job of arguing in favour of the treaty than the Secretary of State.

I have two questions for the Minister who will wind up the debate. First, reference was made to the clearer legal basis for liberalising markets, but how will the treaty deliver that? My second question will be of interest to all our constituents: what assessment have the Government made of the treaty's effect on energy prices here in the UK, as well as in other parts of the EU? The UK already has the most liberalised energy market, so it is not clear how liberalising markets elsewhere will help our constituents. It would be very helpful if the Minister responded to that.

5 pm

Charles Hendry (Wealden) (Con): This afternoon's debate has been frustrating in many ways, as has been made clear in various contributions. In part, that is the result of its structure: we have spent four and a half hours talking about general energy policy, and will have only one and a half hours to discuss the specific amendments that have been tabled. In other words, the debate has been too general and too little concerned with scrutinising the detail of the treaty.

My hon. Friend the Member for Mid-Worcestershire (Peter Luff), the Chairman of Business, Enterprise and Regulatory Reform Committee, said that energy debates are like buses—nothing comes along for ages, then there are three in three weeks. A couple of weeks ago, the Secretary of State surprised us by telling us that he used to be a bus driver. His speech today might be compared to how buses behave: first there was no speech at all, and then two came along at once. In fact, he did rather better without the text than with it. There was a real sense that his heart was not in his speech, and it was certainly clear that it was lacking in content. He could have covered much more ground than he did.

[Charles Hendry]

At the outset, I shall set out those areas where we agree with European energy policy. Various significant aspects of energy policy demand international co-operation—tackling carbon emissions, for example, or agreeing the right level for a carbon tax and moving towards liberalised markets—but we believe, as my hon. Friend said, that the Government and the EU already have enough powers to take action in those areas.

Some interesting contributions were made to the debate. I was pleased that the former Secretary of State, the right hon. Member for Leicester, West (Ms Hewitt), spoke from the Back Benches. She rightly talked about the energy gap, but that gap would be smaller now if she had taken more action and indulged in less consultation when she was in charge of the Department. We had three White Papers and two energy reviews when we should have been seeing action. The consequence is that there is panic building of gas storage facilities, and the Government are having to review the targets that they set. The original goal of 10 per cent. of energy coming from renewables by 2010 has been cut to 8 per cent., and the target of 20 per cent. by 2020 has also been reduced, perhaps to as little as 12 per cent.

The right hon. Lady also said that we do not have too much Europe, but too little. For me, that was the quote of the debate, and perhaps it could be the slogan for the referendum campaign, if we ever get one. It is a remark that goes to the heart of the matter, so it is no wonder that she is not keen on having a referendum.

The right hon. Lady also said that we need more pipelines, storage facilities and LNG, and she is right. However, she also claimed that the liberalisation provided by the treaty would be needed if we are to get them, and in that she is fundamentally wrong. This country has perhaps a dozen days of gas storage, whereas illiberal countries such as France, Germany and Italy have 95, 80 and 80 days, respectively. In fact, it is the countries with illiberal energy policies that have the highest proportions of gas storage facilities.

The right hon. Lady made her most irresponsible comments when she tried to promote the treaty by spreading scare stories. Of course we must be wary of massively powerful, state-backed corporations, but it is simply not correct to say, as she did, that Russia will pick off EU countries one at a time. That is not going to happen.

Ms Hewitt: Will the hon. Gentleman give way?

Charles Hendry: No. I hope that the right hon. Lady will understand, but she had half an hour and I have only 10 minutes. She also tried to create a stir about Russia's investment in other countries, yet Gazprom's investment in the UK, for example, amounts to a trading arm. It buys and sells, and in that way it helps the market to work. It was therefore irresponsible of her to create confusion in the way that she did.

The Liberal Democrat spokesman, the hon. Member for Northavon (Steve Webb), also made an interesting speech, from which two things were clear. The first was that he could not think of one area in which his party would not be willing to cede more sovereignty to the EU—

Steve Webb: There are too many to choose from.

Charles Hendry: The hon. Gentleman says that there are too many to choose from, but he could not come up with one during the debate. The second problem that he had was with clarifying his party's nuclear policy. The Liberal Democrats say, "No nuclear power here, but yes, please, we'll import as much as we can through the interconnector from France." It is a fundamentally hypocritical position. They do not want nuclear power here but are happy to use cheap French nuclear power and leave the French to deal with decommissioning and waste disposal.

The key issue in this debate is whether it is right to give the European Union greater powers to determine energy flows in times of crisis. It is a question not of interpretation of the treaty but of a fundamental and genuine difference of opinion. The change suggested is to allow the Council of Ministers the power to divert energy supplies from one country to another if it deemed it necessary in a time of crisis, and because the issue would be decided under QMV the country concerned would not be able to resist the change. It is quite legitimate for some to argue that that is the right thing to do, but overwhelmingly we Opposition Members fundamentally disagree, and that alone is a ground for a referendum.

I ask Government Members not to misinterpret us. We are not saying that the United Kingdom Government should not help other countries that are facing an energy crisis—we have a great history as a generous nation that carries out its international responsibilities well—but it should be up to our Government and other sovereign Governments acting independently to decide whether it is right to give other countries that help. We should not be forced to do so. When my hon. Friend the Chairman of the Select Committee asked the Secretary of State to clarify the circumstances in which that might happen, the Secretary of State could not do so. He basically said, "Somebody will give you an answer on that later." So much for line-by-line scrutiny. It is simply not happening in this debate.

Ours is not a selfish little England position; we believe that it is right for every country to have the relevant powers. That works both ways. Two years ago, when this country was short of gas—and just after the Minister for Energy said that we were awash with gas—we discovered that France was not, as we had hoped, exporting gas through the interconnector, as it is legally obliged to keep a certain amount of gas in storage for its own domestic use. Under the treaty, France could be obliged to overrule its national laws and export gas even if it does not wish to do so. It would be interesting to see that issue at the heart of a French referendum.

The treaty's approach will penalise countries that have invested in long-term energy security. We in this country are belatedly making the investment needed to improve our gas security—we are investing in new pipelines, liquefied natural gas facilities and better gas storage facilities—but it would be quite wrong for our gas supplies to be diverted to support another country that had not taken such responsible measures unless our Government had the absolute right to decide whether to allow it.

During this debate, there has been much discussion about what will happen and could happen. Whenever the Minister for Europe has been in the Chamber, he

has scoffed from the Front Bench every time the word "could" has been used, but it is quite right that we in this House should look at what could happen under the treaty. The reason many people in this country are so disillusioned with the European Union is that they are constantly told that each treaty and new measure means one thing, but they then discover a little while down the line that it means a whole lot of other things that they were never told about. It is therefore quite right for our debate to focus on the powers that the treaty could confer. We have no legal definition of a crisis or of solidarity. The British people need to know that under the treaty, our economic security could be put at risk to solve an energy problem elsewhere in the European Union.

The other big issue in this debate is liberalisation. I agree with the hon. Member for Angus (Mr. Weir) that the further measures proposed in the treaty are not necessary to take forward the liberalisation of European energy markets. The Secretary of State has not given us any evidence that the European Union does not currently have the power to move forwards with liberalisation. After years of no progress, we are now seeing at least some progress on the uncompetitive practices in use elsewhere in Europe. It seems bizarre that we should need a new treaty just when the European Union is beginning to show that it has real teeth.

The treaty moves us in the wrong direction. It will remove the reference to undistorted competition, just because that suits France. It is to the shame of our Ministers that we have given in to demands arising purely from the narrow, nationalistic interest of one other country involved.

So let us be clear: we want energy security; we want to cut carbon and we want a realistic price on carbon; we want a growth in renewables; and we want more done on fuel poverty. As we move through the Energy Bill, we will be taking the lead on those issues, and I hope that the Government will respond to the amendment that we tabled.

The Secretary of State said in his opening speech that we are out of touch. It is strange that he says so, when we are pushing for exactly the same changes as Ministers previously called for. Let us put the matter to the test. Let us see whether we or the Government are out of touch. Let us put it to a referendum.

5.10 pm

The Minister for Energy (Malcolm Wicks): I, for one, have enjoyed the debate

Rob Marris: What?

Malcolm Wicks: I really enjoyed the debate, and it is a pity that it must end so soon. From time to time I felt that I had stumbled into the Eurosceptic Tory class of '93, '94 and '95. I hope that the divided class will have more frequent reunions.

Mr. Lilley: The arguments were the same as the Government used.

Malcolm Wicks: One of the "illegitimates" is trying to heckle me, I think. *[Interruption.]* The right hon. Member for Hitchin and Harpenden (Mr. Lilley) understands the reference.

Mr. Deputy Speaker (Sir Michael Lord): Order. I shall not ask the Minister to withdraw that remark, but we should bear in mind that expressions that might just be allowable in parliamentary language are not allowable as a matter of taste.

Malcolm Wicks: Of course I withdraw the remark. It was a reference to the history of humour in the House, but obviously it did not go down well in all quarters.

Mr. Lilley: I am grateful to the Minister for giving way. I had not even heard his reference to my parentage and I am not the least bit concerned about it. I just remarked that when he thought he was hearing Eurosceptic arguments, he was hearing the arguments that his own Government have been putting forward during the negotiations on the treaty.

Malcolm Wicks: I have apologised and I shall be careful about quoting former Prime Ministers in the future.

We had good speeches from my hon. Friend the Member for Middlesbrough (Sir Stuart Bell), the former Secretary of State, my right hon. Friend the Member for Leicester, West (Ms Hewitt), the Chairman of the Select Committee, the hon. Member for Mid-Worcestershire (Peter Luff), my hon. Friend the Member for Crosby (Mrs. Curtis-Thomas), the hon. Member for Esher and Walton (Mr. Taylor), and the hon. Member for Angus (Mr. Weir), and a kind of Eurosceptic vignette, if I may use that term in the House, from the hon. Member for Forest of Dean (Mr. Harper).

The hon. Member for Esher and Walton challenged me to speak positively about the Lisbon treaty. I do speak and think positively about it, and I do so in general terms. I sometimes think we miss the wood for the trees in such debates. My parents' generation witnessed all the horrors of a divided Europe in the second world war. My grandparents' generation witnessed all the horrors and the mass murders on both sides of the first world war. I am pleased to be part of a generation that is discussing, albeit occasionally dryly, important matters such as climate change and energy, and how we can make a contribution in Britain and in Europe. I am very positive about the new Europe and Britain's role in it, and about the Lisbon treaty.

Let us remind ourselves of the energy mix across the EU. Oil accounts for some 38 per cent. of energy supplies, gas 24 per cent., coal and other solid fuels some 18 per cent., nuclear 14 per cent., and renewables 6 per cent. and rising. Within that overall picture, the mix varies considerably by country. We have heard about France, where perhaps 80 per cent. of electricity comes from nuclear, whereas in Austria none comes from nuclear. Most of Cyprus's energy comes from oil, most of Poland's from coal. That is why the member state has to take charge of the energy mix in its own national community.

We have heard about the increasing importance of imports. In 2004 approximately 50 per cent. of EU energy was imported, but by 2030 the figure could be as high as 65 per cent. That signifies one of the challenges. We have an increasing reliance on imports in a world where energy prices are likely to remain relatively high

[Malcolm Wicks]

and where fossil fuel reserves are concentrated in relatively few regions of the world, including the middle east and Russia.

There is the urgent need to tackle climate change; EU countries share that objective not only with each other, but with the rest of the world. For those reasons, during the UK presidency of the Council of the European Union in 2005, we put forward a plan to create a common EU energy policy, including the establishment of a common European power grid, co-operation on gas storage, exchange of information about security of supply and a strengthening of climate change policies. I shall quote another Prime Minister, this time within the bounds of propriety. The then Prime Minister, Tony Blair, said at the time:

"It is important that energy policy is something that we work on together as a European Union".

He was right. The House is well aware of our recent decision on nuclear power, our commitment to a major expansion of offshore wind power and the passage of Bills on energy planning and climate change. However, whatever action we take at home, it is surely obvious that we can achieve the most, in this interdependent and highly competitive world, when we act together with our international partners.

Let us not pretend that it will all be easy. It would be naive to expect major players in the Organisation of Petroleum Exporting Countries or Russia to come to the negotiating table wearing kid gloves. The EU must be ready to speak, and speak strongly, with one voice on energy policy. That is not only in Europe's interest, but in Britain's best interest. We need the enlarged EU of 27 countries to be able to work effectively and efficiently to draw a line under debates about institutional reform and move on to dealing with the great issues of the day, including energy. The treaty of Lisbon will make that possible, and we should welcome it.

I move on to the issue of oil stocks, which involve an important obligation. We are obliged to hold stocks of oil in case of severe disruption of oil supplies. That mirrors our international obligations under the International Energy Agency, of which the US, Canada, Japan and Australia are also members. The Nice treaty changed the voting on any directive concluded under that article from unanimous to qualified majority voting. It is important to emphasise that the Lisbon treaty makes no change to that.

On the obligations to release stocks in case of severe disruption to supply, I should say that the last time that that was required was during hurricane Katrina, when the UK rightly led, under our chairmanship of the IEA governing board, in helping our friends in the United States. That was done under consensus. A number of fearful hares have run on this, so I emphasise that we have never taken action through the EU on that issue. On both times when it has been necessary, action was taken through the IEA.

Alan Duncan: Fine!

Malcolm Wicks: The hon. Gentleman says, "Fine!" Unanimity—more than even QMV—has broken out on this occasion.

We have heard a little about article 176A of the Lisbon treaty today. It provides for the EU to help manage the functioning of integrated European energy markets and ensure security of supply. However, it does not seek to move control of any nation's energy resources to the European Union. The hon. Gentleman asked what was new about the treaty. I shall quote a passage that is new—and clear, important and reassuring:

"Such measures shall not affect a Member State's right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply".

That is new and clear.

Alan Duncan: So what?

Malcolm Wicks: The hon. Gentleman says, "So what?", but he should understand the words that he says he has read—they make it crystal clear that there is no threat to our national integrity.

Mr. Lilley: Will the Minister give way?

Malcolm Wicks: With respect, I cannot; time is of the essence.

We face critical issues and we certainly need to look forward and not go back. There are critical issues about the liberalisation of our energy markets, in respect of which the UK has led the charge, and about radical moves to a low-carbon economy, the development of renewables, progress towards clean coal, and carbon capture and storage. We are looking forward; unfortunately, many Conservative Members, although not all, are rapidly pushing the rewind button of European history. What Labour seeks to build is a modern Europe fit for the 21st century. The Conservatives, sadly, are building a squalid coalition against the treaty with, among others, the Dutch Party for the Animals. Unfortunately we have to leave them there for the time being while we, the British people and the British Government, get on with the job of confirming the treaty. It is good for Britain, and it is good for Europe.

Question put, That the amendment be made:—

The House divided: Ayes 170, Noes 369.

Division No. 62] **[5.20 pm**

AYES

Afriyie, Adam	Browning, Angela
Ainsworth, Mr. Peter	Burns, Mr. Simon
Amess, Mr. David	Burrowes, Mr. David
Ancram, rh Mr. Michael	Butterfill, Sir John
Arbuthnot, rh Mr. James	Cameron, rh Mr. David
Atkinson, Mr. Peter	Carswell, Mr. Douglas
Bacon, Mr. Richard	Cash, Mr. William
Baldry, Tony	Chope, Mr. Christopher
Barker, Gregory	Clappison, Mr. James
Bellingham, Mr. Henry	Clifton-Brown, Mr. Geoffrey
Benyon, Mr. Richard	Cormack, Sir Patrick
Bercow, John	Cox, Mr. Geoffrey
Beresford, Sir Paul	Davies, David T.C. *(Monmouth)*
Bone, Mr. Peter	Davies, Philip
Boswell, Mr. Tim	Davis, rh David *(Haltemprice and Howden)*
Bottomley, Peter	Djanogly, Mr. Jonathan
Brady, Mr. Graham	
Brazier, Mr. Julian	

Dodds, Mr. Nigel
Dorries, Mrs. Nadine
Drew, Mr. David
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Gove, Michael
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Mitchell, Mr. Austin
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Prisk, Mr. Mark
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, rh Mr. Peter
Rosindell, Andrew
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Dr. Richard
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Mr. Brooks Newmark and Mr. Crispin Blunt

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bruce, rh Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Burstow, Mr. Paul
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cable, Dr. Vincent
Cairns, David
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Carmichael, Mr. Alistair
Caton, Mr. Martin
Cawsey, Mr. Ian
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Kenneth
Clarke, rh Mr. Tom
Clegg, Mr. Nick
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davey, Mr. Edward
David, Mr. Wayne
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
George, Andrew
George, rh Mr. Bruce
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Heath, Mr. David

Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Holmes, Paul
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Keetch, Mr. Paul
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacNeil, Mr. Angus
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Rennie, Willie
Riordan, Mrs. Linda
Robertson, Angus
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Taylor, Mr. Ian
Taylor, Matthew
Thomas, Mr. Gareth
Thurso, John
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Vaz, rh Keith
Vis, Dr. Rudi
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Webb, Steve
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wishart, Pete
Wood, Mike
Woodward, rh Mr. Shaun
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Noes:
Mr. Bob Blizzard and Mr. Dave Watts

Question accordingly negatived.

It being more than four and a half hours after the commencement of proceedings on the motion, MR. DEPUTY SPEAKER *put forthwith the Main Question, pursuant to Order [28 January].*

The House divided: Ayes 367, Noes 169.

Division No. 063] **[5.34 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel

Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bruce, rh Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Burstow, Mr. Paul
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cable, Dr. Vincent
Cairns, David
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Carmichael, Mr. Alistair
Caton, Mr. Martin
Cawsey, Mr. Ian
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Kenneth
Clarke, rh Mr. Tom
Clegg, Mr. Nick
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davey, Mr. Edward
David, Mr. Wayne
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
George, Andrew
George, rh Mr. Bruce
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Holmes, Paul
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Horwood, Martin
Hosie, Stewart
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Keetch, Mr. Paul
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacNeil, Mr. Angus
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Oliver, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Rennie, Willie
Riordan, Mrs. Linda
Robertson, Angus
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Smith, Sir Robert

Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Taylor, Mr. Ian
Thomas, Mr. Gareth
Thurso, John
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Vaz, rh Keith
Vis, Dr. Rudi
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Webb, Steve
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wishart, Pete
Wood, Mike
Woodward, rh Mr. Shaun
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Bob Blizzard and Mr. Dave Watts

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Bellingham, Mr. Henry
Bercow, John
Beresford, Sir Paul
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Butterfill, Sir John
Cameron, rh Mr. David
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorries, Mrs. Nadine
Drew, Mr. David
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Gove, Michael
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Mitchell, Mr. Austin
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Prisk, Mr. Mark
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, rh Mr. Peter
Rosindell, Andrew
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Dr. Richard
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Tellers for the Noes:
Mr. Brooks Newmark and Mr. Crispin Blunt

Question accordingly agreed to.

Resolved,

That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning energy.

Simon Hughes (North Southwark and Bermondsey) (LD): On a point of order, Mr. Deputy Speaker. I am sure you are aware that among the remaining orders and notices, No. 40 was drafted by my right hon. and hon. Friends and me. It is designed to give an instruction to the Committee to extend the scope of the Bill to allow a referendum on whether we should or should not be in the European Union. I seek your ruling, Mr. Deputy Speaker, on whether it is in order to deal with this in the Committee stage that is about to start. If not, will you guide us on how it can be amended or varied in a way that would make it more likely to be selected tomorrow?

Mr. Deputy Speaker (Sir Michael Lord): It is not in order for the hon. Gentleman to proceed as he suggests, so I suggest that we now get on with the business before the House.

Orders of the Day

European Union (Amendment) Bill

(Any selected amendments to clause 2 relating to energy)

[2ND ALLOTTED DAY]

Further considered in Committee.

[SIR MICHAEL LORD *in the Chair*]

Clause 2

ADDITION TO LIST OF TREATIES

5.48pm

Mr. Mark Francois (Raylcigh) (Con): I beg to move amendment No. 204, page 1, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 12, inserted Article 2C TEC (TFEU), paragraph 2(i), providing for energy to be a n area of shared competence; and

(ii) '.

The Second Deputy Chairman of Ways and Means (Sir Michael Lord): With this, it will be convenient to take the following amendments:

No. 152, page 1, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 147, new Title XX and new Article 176A TEC (TFEU) relating to energy; and

(ii) '.

No. 205, page 1, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 147, inserted Article 176A TEC (TFEU), providing for an EU energy policy; and

(ii) '.

No. 33, page 1, line 13, after second 'to,' insert—

'(i) European Union competence in energy; and

(ii) '.—

Mr. Francois: Amendment No. 204 would remove energy from the list of the European Union's shared competences as set out in the Lisbon treaty. The article on shared competences is, of course, taken practically verbatim from the EU constitution. It should also surprise no one that the way the article sets out shared competences was opposed by the Government when it was proposed. As the Government noted at the time in their amendment,

"energy is explicitly referred to here for the first time"

as a shared competence. Yet it is clear that the current status of energy has not prevented the Commission from strongly and rightly pursuing market liberalisation in that area. The claim that the new energy provisions in the treaty are in any way needed for what has always been a cross-party view of the right place of energy policy in the EU—that it should primarily be there to ensure free energy markets—is in no way borne out by the evidence.

Mr. Mark Hendrick (Preston) (Lab/Co-op): If the hon. Gentleman believes in a European single market and in European energy markets, why should that not be a shared competence? We are talking about a single market so there should be a single authority overseeing it.

Mr. Francois: The simple answer is that the powers already exist in the current treaty base to allow that market to operate. If the hon. Gentleman bears with me, I shall go on to illustrate that.

The Government's original amendment goes on to note that the text working is problematic in other ways. It is "exhaustive" rather than "illustrative", failing to make it clear that

"some of these policies...encompass both shared competence and supporting action".

The amendment also raised concerns about the article's failure to refer the listed competence to the details of the treaty later in the text. That was an important point—and the lawyers who were advising the Government when they were negotiating in the original convention on the EU constitution were awake and doing their job.

We agree with all the criticisms of the article that the Government made when they were arguing against the power. We also agree with another amendment tabled by the Government representative that was even more trenchant in its criticism, stating that

"shared competences should be a residual category. They should therefore not be listed explicitly."

Our amendment would, therefore, simply enact what was Government policy several years ago—a policy that was dropped without explanation and for no good reason. It would ensure that the status quo—whereby energy market liberalisation is proceeding, albeit not as fast as we would like—is maintained. It would ensure that the EU did not extend its powers to cover broader questions of energy policy that, in our view, should remain a matter for the member states.

Mr. Peter Bone (Wellingborough) (Con): The Government have told us in Committee after Committee in this House that the liberalisation of European energy markets is proceeding, but the French and the Germans are not obeying the rules, and why would a new treaty make them more likely to do so?

Mr. Francois: I will touch on that shortly. In the earlier debate, Opposition Members repeatedly challenged the Government to justify why they needed new powers to bring about energy market liberalisation when the Commission, which I am about to praise, has been making progress in this area—the competition directorate-general has worked very hard—under the powers available in the existing treaty base. Ministers wriggled and ducked and dived, but they never managed to give a convincing answer to that question, and we will find out whether we hear anything on it in the debate on this amendment. Thus far, they have failed to explain to the House why they need powers on energy in the Lisbon treaty to bring about liberalisation of that market, when the Commission itself believes that it already has sufficient powers, and, indeed, has recently issued new directives in that area.

I also want to say a few words about amendment No. 205, which would strike out the new article on energy. As has already been said, the Government could not in

[Mr. Francois]

the past have been clearer in their opposition to it. As their reasoned objection at the time succinctly stated,

"this provision is unnecessary as all aspects of energy policy are effectively covered elsewhere in the Treaty"

such as under the "single market" and the "environment". That was the Government's argument.

This is a central fact in the debate. In their own words, the Government have admitted that the treaty adds nothing that we actually need. It brings no benefit at all. The Government were right then and are wrong now, and have yet to explain why they let this article go through in the negotiations, other than because they negotiated poorly. We do not need this to act together on the environment, an area where the European Union has an important role to play. The emissions trading scheme is far from perfect, but it is up and running, and we have not needed this treaty to do that or to reform it.

Martin Horwood (Cheltenham) (LD) *rose*—

Mr. Francois: I give way to the federalist wing.

Martin Horwood: The hon. Gentleman seems to be making an argument that energy policy was present in the previous treaties and was being implemented in various ways. Was it then in fact, if not in name, a shared competence?

Mr. Francois: I understand that in energy market liberalisation the Commission has mainly relied on article 95 of the treaty establishing the European Community, which deals with competition and markets generally. I understand that it has been using that successfully to help to bring about energy market liberalisation, and that the competition directorate-general has been quite aggressive in that regard. We do not need the new powers in the Lisbon treaty to press forward energy market liberalisation.

We heard in the earlier part of the debate, but it bears repetition, that last September the European Commission launched the third legislative package on electricity and gas markets. Its package headline says that it will

"ensure that all European citizens can take advantage of the numerous benefits provided by a truly competitive energy market."

If the European Commission not only admits but boasts that it is able to achieve the goal of a truly competitive energy market in the EU—a goal that we firmly support—using only the EU's current treaties and powers, it is fatuous for Ministers to claim that this energy article is needed or that opposition to it or to the treaty as a whole shows any lack of support for or seriousness about a single market in energy. If people do not believe me, they should ring not Conservative headquarters but the European Commission and ask it.

Article 176A is a source of concern. In particular, it is not clear to what kind of legislation paragraph 1(b), on ensuring the security of energy supply, will lead. Ministers have not been clear about that either. That was touched on earlier, but again I do not think we achieved absolute clarity.

Rob Marris (Wolverhampton, South-West) (Lab) *rose*—

Mr. Francois: On that point I give way to the hon. Gentleman. We are both veterans of Finance Bill debates, so I am pleased to cross swords with him again. Whichever bit of the document he is going to read out, would he please give us the clear reference?

Rob Marris: I may surprise the hon. Gentleman on this occasion by not reading out part of a document. The argument that I understand him to be making is one to which I referred earlier in the themed debate. He seems to be saying that the bit he seeks to remove via his amendment is redundant in the treaty. I am not sure that I agree with that argument, although I understand it. He then seems not to follow the logic of that. I think he was here when I mentioned looking through the telescope the wrong way. If the piece that he seeks to remove were included, would it put a brake on the liberalisation that the House generally agrees that we wish? I understand the argument about redundancy as a lawyer. I perhaps like it but looking at it in the round, one has to ask whether it is really a problem if the provision were included. He says that we can have liberalisation under existing treaties, agreements and so on—that might well be the case—but is it a problem if it is in this treaty anyway? Would there be a downside, apart from inelegant wording and redundancy?

Mr. Francois: The hon. Gentleman knows that I have a lot of time for him, and I have to tell him that there would be a problem. He ought to ask his own Front-Bench team about this, because they clearly thought there was a problem when they tried to oppose the measures so firmly in the first place. If there is no problem, why were the Government arguing to have these powers taken out of the treaty when it was first negotiated? Perhaps he would have a quiet word with the Minister in the Tea Room later.

Mike Gapes (Ilford, South) (Lab/Co-op) *rose*—

Mr. Francois: I am going to make a little progress, because other hon. Members wish to speak and we only have an hour and a half. I shall then give way to the Chairman of the Foreign Affairs Committee.

More worrying is the effect that article 176A could have on the long-established Community doctrine of implied competence, to which reference has been made. It would not be advantageous to this country if the EU had effective sole competence to make agreements on energy supply with third countries—our energy relationship with Norway is a case in point. The principle of shared competence on energy, the new article specifically on energy and the legislation that would undoubtedly flow from that would tend to eat away at our right to conclude such agreements. At this point I gladly give way to the Chairman of the Foreign Affairs Committee, not least because I remember that he was present when I made my maiden speech in this House.

Mike Gapes: And it was a very good speech. The hon. Gentleman referred to the importance of energy security. Does he agree with the unanimous view of the

Foreign Affairs Committee in our report on Russia, published in November last year, that we should welcome the increasing moves towards diversification of energy sources by the European Union, and any measures that we take to strengthen a coherent and more robust collective EU approach towards Russia and how it tries to use energy as a political weapon?

6 pm

Mr. Francois: The Chairman of the Foreign Affairs Committee asks whether we agreed with "any measures", and that is a question in principle. The answer in principle is that we do not agree with "any measures"; we are here to debate the detail of the treaty line by line. The Chairman attempts to inveigle me, but he will have to forgive me if I do not walk into his little trap. I will say, however, that I do agree with the conclusion of the Committee's other report that, on foreign affairs, the constitution and the Lisbon treaty were almost exactly the same.

The treaty's provisions on energy sum up much of what is wrong with the treaty as a whole. The provisions are unneeded and unwanted, and their presence is testimony to the Government's utter ineptitude at negotiating in the EU. The provisions offer no benefit to this country and neither we nor our European partners would be harmed by their rejection. They only have the potential to harm, and that is why we have tabled the amendment to reject them this evening.

Mike Gapes: I wish to make a few points about the importance of an EU-co-ordinated European energy approach. The realities of the coming decades will be such that energy will be one of the most important issues in international relations. It will be a global geopolitical issue.

I referred in my intervention a moment ago to the Foreign Affairs Committee's report on global security and Russia, which is relevant to this debate. In that report, we highlighted the fact that for many years to come, Russia will be dependent on European Union markets for its gas and oil. Russia will need to export that energy, and it will not be able to diversify sufficiently quickly in terms of exports to China and other parts of the world. Russia will depend on the currency that it will get from its sales to the European market.

At the same time, European member states have had different approaches to energy supply. We had the controversy over the pipeline to Germany under the Baltic sea, which caused great difficulties in the relations between the German Government and the Poles and Lithuanians. Another issue is the supply of gas from southern Europe. For all those reasons, the amendments do not take account of the realities that the European Union confronts. I am therefore not in favour of the amendments and I hope that we will support the treaty as it stands. It will take us forward to a more coherent and co-ordinated approach, both in the internal market of the European Union and, more importantly, to the issues of diversification and energy security in relation to the major energy producers in the world. That does not just mean Russia; it includes how we deal with north Africa, the Gulf and the countries in the Caspian area, which are all potential sources of energy supply for the EU. The UK is rather more advantaged than some countries: we have a long-term relationship with Norway, liquefied natural gas from Qatar is coming on stream, and we will have other sources of supply. Those in central and eastern Europe are more dependent on gas and oil from Russia.

Mr. Bone: Do I understand the hon. Gentleman's argument correctly: because Germany and Poland disagreed on an energy matter, there should be a European competency that forces the European view, whatever it is, on to the nation states? Is that not an argument for a superstate?

Mike Gapes: No, that is a complete misrepresentation of what I said. My argument is that because there are divisions within the EU, Russia is able to pick off individual EU member states, bully smaller countries and even attempt to bully some larger ones. Some countries have gone along with that to some extent. It is deplorable that the Russian Government have bullied Estonia and Lithuania. They have even bullied the UK over matters unrelated to energy, such as the British Council and the murder of Mr. Litvinenko.

Mr. Hendrick: Energy is not only a green issue now; Stern showed that it is an economic issue as well. Now, because of climate change and the fact that it can also cause wars, energy is a security issue. That is why the EU acting with a shared competence on the matter is so important.

Mike Gapes: My hon. Friend is absolutely right. The EU united with a common voice can stand up to Russia and say that Russia's behaviour is unacceptable. Similarly, it can act in climate change and world trade negotiations and many other spheres much more effectively than the individual states alone could act. No matter how big a country—whether its population is 80 million, like that of Germany, or 60 million, like that of the UK, Italy and France—it cannot have the weight of the collective of 400 million or 500 million people. In a world where the economic focus is shifting to Asia, the only way that we as Europeans will be able to have an effective voice in this century, which will see the rise of countries such as India, China and Brazil alongside the existing US economy, is collectively, using our international networks and policies.

Mr. Nigel Evans (Ribble Valley) (Con): The hon. Gentleman's argument this evening is an argument for scrapping the borders around 27 countries and introducing the united states of Europe. That is exactly what we do not want.

Mike Gapes: And nor do I. When Baroness Thatcher was signing up to the Single European Act, which did more to scrap borders in Europe than any other action since the holy Roman empire, the hon. Gentleman should have been making that argument and voting against the legislation.

Martin Horwood: It is good to serve under your chairmanship, Sir Michael, and rewarding to see the House of Commons at its best today. We have seen the cut and thrust of debate, with attempts to outwit and

[Martin Horwood]

challenge Front Benchers made by Back Benchers—and that is only on the Conservative Benches. *[Interruption.]* I interpret the absence of Back Benchers from my party as meaning that they see no need to challenge me from behind—unlike the Conservative Front-Bench spokesman, who suffered during the earlier debate.

The Conservative amendments are unnecessary, because they are based on the nonsense that we have heard from Conservative Members today—that the treaty opens the way for draconian EU action on energy, crushing national interests before it. Rather closer to the mark are the remarks of WWF, the Green Alliance and the Institute for European Environmental Policy, which praise the treaty, saying that

"It emphasises climate change and makes it easier to adopt greener energy policies."

Mr. James Clappison (Hertsmere) (Con): Perhaps I can serve as a substitute for the Back Benchers that the hon. Gentleman does not have. Does he share my scintilla of doubt about why the Government oppose the measures that he is praising and they have put forward as a good thing?

Martin Horwood: That is not for me to answer. The hon. Gentleman should ask the Minister. *[Interruption.]* I have no idea why the Government would change their position on any measure. It is up to them to answer that.

The WWF, the Green Alliance and the Institute for European Environmental Policy called the changes in article 176 "momentous", not because it establishes the list of shared competences, but because it

"will empower the institutions to adopt Directives and Regulations not only for the sake of the internal energy market, but also to ensure security of supply and"—

this is key for those organisations—

"to promote energy efficiency and energy saving and the development of new and renewable forms of energy."

Those groups are clarifying the fact that it is the policy direction contained in the treaty which is significant. It is important to identify energy as a shared competence. No great new powers are being conferred; there is just a new and clearer direction. WWF and the others are worried that the red lines that the Government have negotiated have conceded too much. Their statement goes on to say that the new energy article

"shall not affect a Member State's right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply.. This limits the scope for ambitious EU initiatives on energy policy, including those with environmental goals...many measures that would be relevant from a sustainable development perspective are bound to affect the choice between different sources of energy; in fact that is their very purpose."

Conservative Members were worried about removing descriptions of unrestricted competition, but in one sense Stern has told us to intervene in the market and influence it in a way that helps the planet and the future economy, so that proposal is not surprising.

I support the red lines. They are important provisions and should remain, but the environmental organisations' concerns illustrate how far from reality the position of Conservative Front Benchers is, and how unnecessary the amendments are.

Mr. Graham Brady (Altrincham and Sale, West) (Con): Given that the words and provisions of the treaty do matter, especially as we are discussing them in Committee, is the hon. Gentleman not concerned that article 176 would give the EU power to prevent Gazprom from buying energy providers in the EU?

Martin Horwood: There is a common misunderstanding on the Conservative Benches that shared competences mean European competences. Shared competences are clearly defined in the treaty: they are shared between the European Union and the member states. There is nothing in the treaty that suggests to me that they will be used against the interests of member states.

Several hon. Members *rose—*

Martin Horwood: I would not mind getting on to the amendments—*[Interruption.]*

The Second Deputy Chairman: Order. If hon. Members are attempting to give way, it would be helpful if they indicated clearly—yes or no. Then the Chair will know what to do. Is the hon. Gentleman giving way?

Martin Horwood: Yes.

Mr. Francois: On the shared competences, member states can continue to legislate in those areas if the EU decides not to, but if it decides that it wants to, we cannot. That is in essence what a shared competence means. Does the hon. Gentleman understand that?

Martin Horwood: The situation with qualified majority voting is not fundamentally changing—*[Interruption.]* There is, in effect, a shared competence now. All the treaty does is to define clearly which are the shared competences, and to make that a clearer forum for policy making. That is what the green organisations are praising, and that is the advantage of the treaty. There is not the massive shift of power that the hon. Gentleman seems to fear.

Ms Patricia Hewitt (Leicester, West) (Lab): May I add to the hon. Gentleman's response to the hon. Member for Rayleigh (Mr. Francois)? The point is surely that new article 3b of the Lisbon treaty, on page 13, says:

"Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States".

In other words, the shared competence means that member states will act as they choose, and the Union will act only if it is required to do so because national action will not achieve the agreed objectives.

6.15 pm

Martin Horwood: I am grateful to the right hon. Lady for that clarification of the principle of subsidiarity, which still underlies this treaty as it did others.

Let me move on to the amendments. It is interesting to note that the amendments tabled by Back-Bench Conservatives are more or less indistinguishable in effect from those tabled by Front-Bench Conservatives. We feared that the Europhobes would press down on the Front Bench—but they seem to have captured it. *[Interruption.]* I shall come to the subject of whether amendments are necessary in a moment, but we agree with the thrust of the treaty—*[Interruption.]*

The Second Deputy Chairman: Order. We cannot have continued interruptions from a sedentary position. It disrupts the debate and I cannot always hear what is going on.

Martin Horwood: As I was saying, the amendments tabled by those on the Conservative Front Bench are indistinguishable in their effect, and sometimes in their wording, from those tabled by those on the Back Benches. The Europhobia of some on the Conservative Back Benches has recaptured their Front-Bench spokesmen.

Amendment No. 204 is a sniper amendment, which would delete the word "energy" from the consolidated text of the amended Rome treaty. In that sense, it is close to amendment No. 33. The other two amendments, Nos. 152 and 205, are blunderbuss amendments that try to take out any reference to energy wherever they can find one. All the amendments are aimed at changing the historical position. Energy was in practice a shared competence, even if it was not defined as such. It might have been shared in a rather obscure and complicated way, but the sharing of roles between the European Economic Community, as it originally was, and the member states dates back to the origins of the organisation. There was the European Coal and Steel Community—coal, after all, is a source of energy—and the European Atomic Energy Community, regardless of whether we would have agreed with that. Through Maastricht and beyond, successive Conservative Governments supported the principle that the EU was sometimes the most appropriate level at which to act on energy, while at other times the member state would be the most appropriate level. The treaty clarifies and consolidates that.

If amendment No. 204 were to exclude energy from that consolidated and clarified list, that could be interpreted as removing energy from the list of shared competences in which it was previously included. That would not mean that we would simply go back to square one, as has been claimed, and the time before the Lisbon treaty. If we made the amendment and the treaty was passed, we would have gone back further, reversed the historical position and removed energy from the list of shared competences.

What implications would that have? Measures such as the renewables directive would no longer be possible. It would not be possible to have the fun that we, and the Conservative Front Benchers, had with the Government about their failure to meet their original aspiration of providing 20 per cent. of the electricity supply from renewable energy. Attempts to compare and contrast the Government's policy on feed-in tariffs and renewable obligations would all have to take place domestically; we would not be able to use the European dimension in the argument, as energy would no longer be a European competence.

Clearly that would be nonsense in an age when we need cross-border co-operation to tackle climate change, and the consolidation and security of supply in energy markets. Those effects on the energy market need to operate across all 27 nations. It would be an utterly retrograde step to repatriate the whole of energy policy. In practice, of course, that cannot happen. A treaty amended in that way belongs in some fantasy land inhabited by those on the Conservative Front Bench, because these are basically wrecking amendments.

The amendments deal with that part of the Bill, as opposed to the treaty, that refers to the exclusion of common foreign and security policy. However, that element of the Bill is a little superfluous, as it merely restates the obvious—that a common foreign and security policy is not part of the treaty. In contrast, the things that the amendments would exclude are part of the treaty, and the legal result of accepting the amendments would be that the Bill would fail to ratify the Lisbon treaty.

Mr. Bone: Excellent!

Martin Horwood: The hon. Gentleman says that that would be excellent, but I am not sure that his Front-Bench colleagues agree, as they are keeping a bit quiet. Accepting the amendments would amount to a rejection of the Lisbon treaty, and would leave no possibility that aspects of it could be renegotiated, as the Conservatives imagine.

The simpler and more honest path for the Conservatives would be to follow the recommendation from my hon. Friend the Member for Sheffield, Hallam (Mr. Clegg) that we hold a referendum allowing us to say yes or no to the treaty after we have ratified it. We could honestly vote yes in such a referendum, but I presume that members of the Conservative Front Bench would campaign for a no vote in it—and so for our exit from the EU.

Mr. Evans: Let the people decide.

Martin Horwood: The hon. Gentleman is right: we should let the people decide on such a matter, but to bring that about we should not use strange devices like the wrecking amendments before the House tonight.

The process that I have set out would be less painful, and it would also protect Members on the Conservative Front Bench from the sort of attacks by the Eurosceptic and the Europhile wings of their party to which they have been subjected this evening. That is why I recommend that approach to them, and why the amendments should be withdrawn.

Sir Stuart Bell (Middlesbrough) (Lab): I begin by apologising to the hon. Member for Rayleigh (Mr. Francois) for missing his opening remarks, but I shall read them in tomorrow's *Hansard* with interest.

[Sir Stuart Bell]

My hon. Friend the Member for Ilford, South (Mike Gapes) made some comments about Russia's relationship with the EU. In that connection, may I say that I appreciate the speech that the hon. Member for Wealden (Charles Hendry) made when he wound up the earlier debate? It was both sensible and wise.

Russia is a major power. When we are talking about Gazprom, as various hon. Members have this afternoon, we are dealing with the interdependence of the EU and Russia in the energy market. It is an open market, in which buyers and sellers—producers and consumers—operate at arm's length from each other, but the following facts should be borne in mind. For example, in 2003, 58 per cent. of Russian oil exports were to the EU, as were 88 per cent. of its total natural gas exports. In addition, 22 per cent. of total net EU oil imports in 2003 came from Russia, representing 16 per cent. of all European oil consumption—that is, by members states and others. Finally, 32 per cent. of Europe's gas imports in 2003 came from Russia, representing 19 per cent. of total gas consumption by member states. Those figures show that we need to be a little cautious when we castigate Gazprom, and Russia's relations with the EU as a whole.

Earlier, the hon. Member for Rutland and Melton talked about what I call the Bavarian question. That is, if there is a shortage in Bavaria, will liquefied natural gas on its way to Milford Haven from Qatar be diverted to Bavaria? If that is the case, I assure the House that Gazprom will be there much quicker.

Mr. Brady: I am interested in the case that the hon. Gentleman has just made, but does he agree that, in current circumstances and on the evidence of the past couple of years, the most likely cause of a crisis in the supply of gas to Bavaria or elsewhere in continental Europe would be the fact that Gazprom had shut off the supply? Is that not why we should be concerned that supplies from this country might be diverted elsewhere?

Sir Stuart Bell: We must get away from seeing Gazprom as a huge bogey man or bear on the international gas and oil market. Gazprom is successful because it is a paying concern, and it has no interest in cutting off supplies to Bavaria, thereby cutting off receipts to the Russian budget. I remarked earlier that some 47 per cent. of the Russian budget comes from oil and gas exports to Europe and trade. In an interdependent world, it is not in Gazprom's interest to cut off gas supplies to Bavaria. There is absolutely no reason for it to do so. There is a politicisation of the debate on Russian oil and gas that, in my view, is influenced and directed by the United States of America, to the detriment of the European Union and certainly to the detriment of our supply of oil and gas from Russia.

Rob Marris: Does my hon. Friend agree that the intervention of the hon. Member for Altrincham and Sale, West (Mr. Brady) underlines Conservative Members' difficulty understanding the nature of the European Union—namely, that it is a two-way street? If a gas shortage were looming in Birmingham because the LNG ship from Qatar had not arrived in Milford Haven, gas could be diverted from Bavaria to Birmingham.

Sir Stuart Bell: That is the essence of the interconnector. When my hon. Friend the Member for Ilford, South spoke of a common energy policy, the hon. Member for Ribble Valley (Mr. Evans) intervened to ask whether that would result in a united states of Europe. The essence of EU energy policy is that it is up to each member state to go its own way within a supranational EU framework.

I return to article 176A. It has been quoted many times today, but I make no apologies for repeating it:

"Such measures"

that is, those in article 176A—

"shall not affect a Member State's right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply".

I say to my hon. Friend the Member for Ilford, South, that nuclear energy, which we debated earlier, was deliberately not included in the European Commission's proposals, because it is up to each member state to decide for itself what it wishes to do on that issue. The point was made that France relies on it a lot and Austria not at all, and that Poland relies on coal. That is the diversity of the European Union; one of the themes of the EU is unity in diversity. We accept diversity and welcome it, and we allow each of the 27 member states to breathe and develop under a supranational umbrella.

Amendment No. 204 relates to article 2C, and would remove the phrase relating to energy. As the hon. Member for Cheltenham (Martin Horwood) said, it is one of the Opposition's wrecking amendments. Let us look at article 2C; what is it that the Opposition dislike about shared competence? Do they dislike the internal market, which, as my hon. Friend the Member for Ilford, South rightly pointed out, Lady Thatcher gave us in 1986? Are they opposed to social policy? Are they opposed to economic, social and territorial cohesion? Are they opposed to agriculture and fisheries, excluding the conservation of marine biological resources, or the environment? Are they against consumer protection, transport, trans-European networks, the area of freedom, security and justice or common safety concerns in public health matters? All of those are defined in the treaty. Why on earth would one want to remove energy? Do we wish to cut ourselves off from the rest of the world? Do we wish there to be no electricity or petrol for our cars in 10 to 15 years' time? What is it that we are trying to achieve?

Mr. Evans: Does Norway want to cut itself off from the rest of the world? Does Switzerland? That is a useless argument. The treaty is yet another building block in the united states of Europe. Clearly, we are not against working towards a better Europe, or indeed a better United Kingdom, but everything boils down to the fact that we have only ever had one vote on Europe, and that was in 1975. Is it not about time that we had another?

Sir Stuart Bell: I wake up at 4 o'clock in the morning and pray that someone in a debate such as this will mention Norway. I am grateful to the hon. Gentleman

for doing so. I can assure him that Norway, Switzerland and Lichtenstein are still part of the free trade area that was created many years ago, and they have been operating out of Switzerland from 1972. I invite the Opposition to tell me whether they would like us to go back to those days or to stay within the European Union.

If the hon. Gentleman wishes to come back to me on that, I shall be happy to hear him. He referred for the second time today to a united states of Europe. There is no one, but no one, who wishes a united states of Europe. If he has the time, he should read the Bruges speech of the Foreign Secretary in December. The hon. Gentleman will see that the Foreign Secretary said that categorically and clearly. No one seeks a united states of Europe. We seek a European Union that is united in its diversity, growing together.

6.30 pm

The Conservatives have a terrible fear that a united states of Europe will somehow happen. It has never happened since 1972. It would never have happened under Sir Edward Heath, it certainly would not have happened under the noble Lady Thatcher, it certainly would not have happened under John Major or Tony Blair, and it will not happen now. I urge the Opposition to let us have a serious debate on Europe. That would be fine. I would welcome it, but we will not get it as long as they have that pettifogging approach to the European Union and their great fear that the bogey man will eat us all up.

Article 2C deals with competences. What is wrong with energy being part of the shared competences? I can see nothing at all that would take energy out of that category. That brings us back to the points made by the hon. Member for Cheltenham. He is right; the amendment would completely wreck article 176A. I ask the Opposition what is wrong with a context that speaks about energy in a spirit of solidarity between member states. What is wrong with the principle of solidarity? No right hon. or hon. Member has been able to say that they dislike the principle of solidarity.

What is wrong with ensuring a functioning energy market throughout the European Union? What can be wrong with that? No response from the Opposition. What is wrong with energy security? Again, silence on the part of the Opposition.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): A gentle question: is it justiciable?

Sir Stuart Bell: The second dream that I have at 4 o'clock in the morning is that someone from the Opposition Benches will ask me a legal question. As a barrister at law and an international lawyer, I dream of such questions coming from the Opposition. I am grateful to the hon. Gentleman, who knows that I admire him greatly, for putting that point. All of a sudden the Opposition become barristers, solicitors, lawyers, the European Court of Justice.

The topic was raised earlier. The hon. Member for Rutland and Melton went back to 1972 on a justiciable issue. Every issue is justiciable. Why would it not be? What is wrong with something being justiciable? Where has the rule of law disappeared from the Conservative Benches? What happened to it? It disappeared, like most of the Conservatives' ideology over the past few years. The answer is that everything is justiciable, and why should it not be?

Mr. Shepherd: That must mean that the judgment in such cases is beyond the call of the British people. That is an important element. The Court operates procedures that are not commonly understood by the British people. That is why we have argued for a referendum, as did the Government and the Liberal Democrats. It is an extraordinary position.

Sir Stuart Bell: Next time I will bring my wig and my gown, and we can have a proper debate on that issue. What the hon. Gentleman is saying goes to the very heart of his opposition to the European Union. He is saying that the British people do not want to go to the European Court of Justice. The British people have no inclination or desire to do that. It goes to the heart of his approach to the European Union that we want somehow to exclude the European Court of Justice in the interests of a British court. That is at the heart of what he says, but the Conservative party must make up its mind, because it will not be easy to continue saying, "We want to be in—but—". Giscard d'Estaing has been mentioned many times today; in 1967, he said, "Yes, but—" in relation to the French Government. That is the view of the Conservatives on Europe. It is neither sufficient nor acceptable, and the British people will not let the party get away with it.

Mr. Shepherd: The words are used so loosely and beyond our understanding, as was so eloquently explained by the hon. Member for Eastleigh (Chris Huhne) yesterday. Language—the "spirit of solidarity", for instance—is important; all such phrases have a single legal meaning and understanding in the European Court of Justice. When we talk about solidarity or working in a spirit of co-operation, we see them as a looser arrangement. What we are discussing is a legal imposition beyond the call of our people—that is all.

Sir Stuart Bell: I am grateful to the hon. Gentleman; he will remember that at 5 minutes to 10 one evening, I compared his use of the English language to that of Edmund Burke. He reminds me of a phrase of Lyndon Johnson's—that if we all had the same facts, we would all come to the same conclusion. That leads me on to Shakespeare's "Julius Caesar", a famous line of which is—

The Second Deputy Chairman: Order. Perhaps we can now come back to the issue of energy.

Sir Stuart Bell: Sir Michael, the quote is perfectly relevant to the point made by the hon. Member for Aldridge-Brownhills (Mr. Shepherd):

> "But men may construe things after their fashion,
> Clean from the purpose of the things themselves."

That is the essence of the Conservative opposition to the energy section of the amended treaty.

I had got as far as energy security and energy supply, and I asked the Opposition whether they opposed that. I then asked them whether they opposed promoting energy efficiency and energy saving and the development

[Sir Stuart Bell]

of new and renewable forms of energy; I presume that they do not. I also asked them whether they opposed the interconnection of energy networks.

Those who follow energy policy, and certainly the hon. Member for Rutland and Melton, will know that at Zeebrugge there is a massive interconnection—the gas comes all the way from Russia. At Zeebrugge, some is sent further into Belgium and to Germany and France—and, of course, to the United Kingdom, but we should not talk too much about that, especially in front of my hon. Friend the Member for Ilford, South.

What is wrong with interconnection? Why do we think that someone is going to pinch our gas? It is amazing. The treaty states:

"Without prejudice to the application of other provisions of the Treaties, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish the measures necessary to achieve the objectives in paragraph 1."

What is wrong with a supranational umbrella that tries to give directions to the member states of the European Union—as far down as Bulgaria and Romania, by the way? *[Interruption.]* I have a feeling that my hon. Friend might agree with me on that. We need a common energy policy. I agree with my hon. Friend; of course it would be better for there to be harmony in our approach to all the suppliers. What is wrong with that? I cannot imagine.

Kelvin Hopkins (Luton, North) (Lab): Is my hon. Friend not concerned that the Germans have been doing quiet deals with the Russians to make sure that the pipelines come across Germany, so that at least they have their hands on the taps? Those countries take a nationalistic view of things and look after themselves. I do not want to promote nationalism between different countries, but let us be realistic. If we want secure energy supplies, we have to take command of that ourselves as a nation state.

Sir Stuart Bell: My hon. Friend knows full well that the German border is close to Russia, with Poland in between. As one who has spent some time reading about the downfall of Berlin in 1945, I think that the Germans would be happy to have gas supplies from Russia, and that Russia would be happy to receive their euros in exchange. I assure my hon. Friend that we have full security of supply from Norway, Qatar and Algeria, apart from our own North sea oil coming on stream. There is no problem with our security of supply at the moment, but, as I said in an earlier speech, we must prepare for the worst while hoping for the best. We must prepare for a day when a difficulty with supply may be caused by disruption, prices or outside events. Conflict in some part of the world may affect our energy supply. My right hon. Friend the Member for Leicester, West (Ms Hewitt) mentioned various particularly unstable parts of the world that supply us with energy.

We have already dealt with the provision in article 176A on determining the conditions for exploiting energy resources. I imagine that that would cause no difficulty to the Opposition, and that there would be no difficulty over the provision that states:

"By way of derogation from paragraph 2, the Council, acting in accordance with a special legislative procedure, shall unanimously and after consulting the European Parliament, establish the measures referred to therein".

So what is the problem with competence? What is the problem with solidarity? What is the problem with article 176A? Why, as the hon. Member for Cheltenham asked, were these wrecking amendments tabled? The answer is, of course—and there were murmurs from the Opposition Back Benches to this effect—that it was part of the process of wrecking the amending treaty. The artful dodger of politics is trying to undermine the treaty by undermining energy. If the day were to come when we had a Conservative Government with the hon. Member for Rutland and Melton in charge of energy policy, the hon. Gentleman would be living with this. It would be in his bible. He would be carrying it around with his pocket wherever he went.

The Committee should take account of the fact that these are wrecking amendments which have no real significance in the great scheme of things. They reflect again the opposition to the European Union in all its shapes and forms that has developed through the hon. Member for Stone (Mr. Cash)—I gave him credit for it earlier—and the closing in on themselves of the Britons whom we used to called little Englanders. Once the Conservative party moves away from that and we engage in a genuine debate on the future of Europe, the Conservatives will be the better for it, the Government will be the better for it, and so will the country.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): I bring the Committee's attention to my interests as declared in the Register. However, I shall draw on neither my experience as director of an oil company nor my experience as an oil analyst in the City, but on my experience as Secretary of State for Trade and Industry in the lead-up to the single market. At that time, I urged Britain to take the opportunity that we would be offered by the liberalisation that the single market would bring about. I argued that the common market had given a particular advantage to Germany, whose relative strength was in manufactures, and that the common agricultural policy had given a particular advantage to the French, who had great strength in agriculture. It was our turn now, I suggested: we had a relative strength in services and the privatised utilities, and the liberalising measures in the single market should help us to fulfil that.

Admittedly, in the ensuing 15 years progress has been rather slower than I hoped then, but—along with, I think, the whole of my party—I still believe in the liberalisation of energy markets in Europe. We have no objection to the liberalising provisions that are in the existing treaties and are, to a degree, mirrored in this treaty. We see no point in changing them, and we see no gain in reaffirming or altering them. If we were to stick with existing treaties, we would have all the liberalisation that we would have if we proceeded with this treaty. However, this treaty goes further than that.

Mr. David Drew (Stroud) (Lab/Co-op): Does the right hon. Gentleman agree that, while we may have that liberalising agenda—over which some of us have nothing but fears—the French have made it absolutely clear that they will not liberalise their energy markets? That is why they have been so successful.

Mr. Lilley: I agree. The one change that this treaty makes is to reduce the liberalisation, not through the clauses that we are currently debating but through the change secured by the French President which removed the pre-eminence of competition policy from the preamble of the original treaties. This treaty lessens the liberalising force that we would have if we stuck with the status quo.

I want to focus on the new powers, and above all, the new references to security of energy supply. That is to be a shared competence, and has been pointed out, we can legislate only in so far as the European Community chooses not to. Decision making will primarily operate through qualified majority voting, and therefore we will have no veto, except in certain circumstances to which I shall refer later.

6.45 pm

Kelvin Hopkins: I thank my constituency neighbour for giving way. He is talking about security of energy supply, and there has been much emphasis on the need for us to develop a degree of independence in energy in the longer term. His party—perhaps he himself—privatised our energy sector. Much of it was sold off to foreign companies, so not only do we not have the supplies, but we do not have control of the supplies because they are in the hands of foreign companies. Would it not have been sensible to keep those companies in public ownership in Britain?

Mr. Lilley: I am happy to reply to that point because I have some experience relating to it. If a foreign-controlled company acts against the interests of this country, we can intervene and take control of it. I was probably the last Minister in this House ever to nationalise anything—I nationalised all the companies owned by the Iraqis when Saddam Hussein invaded Kuwait in 1991. We retain such powers over companies operating in our country, but would cede some of them to European institutions under this measure. It will give the EU competence to control, plan, influence or ration the supply of energy. That is what it is all about.

For the Liberal party, the hon. Member for Northavon (Steve Webb) complained that we in the Conservative party were worrying our little heads unnecessarily, thinking up remote and unpleasant possibilities of what might happen to this country. But thinking about security requires one to think about unpleasant things that may happen. It is a bit rich for the Liberal party, having castigated the Financial Services Authority for not thinking about the remote possibility that Northern Rock might go under, and that there might be a run on a bank, which had not happened for the previous 140 years, to castigate us for thinking about what might go wrong in the sphere of energy. In the past, we have seen the Suez crisis, the OPEC embargo, the Iranian embargo and the Russian interruption of supplies to Ukraine. We know that energy can be used for political means, and can cause insecurity of supply. In such circumstances, it is important to know how to respond, and to have the powers to do so. Such issues are important, and we have to think about what might happen if we transfer authority for such decisions to the mechanism of qualified majority voting, and about how that would affect this country.

One of my hon. Friends said that we are all in it together, so it is worth pooling our sovereignty, or at least sharing risks, with other countries because we would then all be able to help each other. Logically, it is only worth a country sharing risks with others, and sharing its energy supplies, if those countries face fewer risks than it does, or have more energy supplies. In any other circumstance, one is simply exposing oneself to other countries' risks, and may be sharing one's energy resources with them without gaining anything in return.

Mr. Philip Hollobone (Kettering) (Con): My right hon. Friend makes an excellent point, but member states do not need to be in the European Union to achieve that end. One reason that wind power is so successful in Denmark is that it has an arrangement with Norway giving it access to Norway's hydro-power when the wind is not blowing in Denmark, and the same is true the other way round. Norway is not in the EU and Denmark is, so the Lisbon treaty is not needed to effect such arrangements.

Mr. Lilley: That is true and my hon. Friend makes a good point. However, I was trying to focus on interruption in supply that is politically conceived or perhaps caused by a natural disaster, and whether we should retain our independent power to respond to that emergency or transfer it to collective decision making in the European Community, as the treaty of Lisbon requires.

Ms Hewitt: Will the right hon. Gentleman give way?

Mr. Lilley: I shall do so in a moment after making a little further progress, when the right hon. Lady, as a fellow former Secretary of State for Trade and Industry, may realise that my arguments require no qualification by her.

We in this country have the biggest reserve of oil and gas in Europe. We would therefore share something positive with countries that face risks but do not have the same resources to share with us in the event of our needing their help. We have also diversified slightly more than other countries, especially in opening up to achieve 20 per cent. of our gas supplies from Qatar. That will relieve at least some of our dependence on future gas supplies from Russia and central Asia. I do not therefore understand the logical case for us, in our specific circumstances of being the principal oil and gas producer, to share risks and supplies with other countries.

Mr. Bernard Jenkin (North Essex) (Con): Does my right hon. Friend recall that the potential of the then Common Market to take over our oil was one of the key issues of the 1975 referendum? Those in favour of joining gave copious assurances that it would never happen. Yet the treaty explicitly provides for that.

Mr. Lilley: I confess that I had forgotten that, although I participated in the referendum. I campaigned ardently for a yes vote, having been persuaded to overcome any reservations by the attractive young lady who ran the Britain in Europe movement, and whom I subsequently married. I must therefore declare the further interest that I have done well out of Europe.

Mr. Jenkin: What is her view now?

Mr. Lilley: It has changed considerably—about Europe, though I hope not about me.

The right hon. Member for Leicester, West presented the argument that our reserves are declining and we are therefore losing the advantage that I described. They are, indeed, declining, but we will still have more domestic supply than any other country in Europe for a long time. My arguments will therefore continue to prevail for a long time over those that the right hon. Lady advanced.

Ms Hewitt: I am grateful to the right hon. Gentleman and fellow former Secretary of State for Trade and Industry for giving way. I have followed his argument with great care, but he simply misrepresents the Lisbon treaty. He talks about our being required, in an emergency, to hand over our supplies. As the right hon. and learned Member for Rushcliffe (Mr. Clarke) pointed out some time ago, the relevant article simply provides that, in the case of a severe interruption in supply in some part of the European Union, the Commission may present a proposal and the Council of Ministers—comprising member states' Governments, including the UK Government—may decide to do something about it. If agreement is not reached, action can be taken or not taken, unilaterally or bilaterally.

Mr. Lilley: So the right hon. Lady argues that we should give the EU powers because we do not think that they will be used. That is unconvincing.

Kelvin Hopkins: As a former Minister, the right hon. Gentleman will recall that civil servants always insist that when legislation states "may", it means "will".

Mr. Lilley: The hon. Gentleman is right.

It has been suggested that the treaty contains protections, where QMV will not apply. Article 176A states:

> "Such measures shall not affect a Member State's right to determine the conditions for exploiting its energy resources".

It refers to the "conditions for exploiting", not the allocation of energy resources. That means the licensing terms under which a member state's energy resources will be exploited, the method of allocating licences and so on. The treaty specifically does not state that QMV will not apply to decisions about the allocation of supply. Such decisions will continue to be made by qualified majority voting. Therefore, if circumstances arose similar to when Ted Heath tried to divert supplies away from the rest of Europe, which we had joined only two years earlier, to this country—he could not do so, because British law prevented him and he was not prepared to introduce new laws in the House; the French Government of course did override commercial law and diverted resources—we would not retain the right to allocate our own supplies of energy as we saw fit. That could include sharing them with our neighbours, if that was right and proper and we thought it a generous and helpful thing to do, as well as keeping them if we thought that our needs were greater.

All decisions about the control of reserves and resources in a federal system are contentious—we are of course talking about a quasi-federal system. We do not have to look at Iraq, whose constitutional development is held up by an inability to make decisions about the allocation of responsibilities between the federal components and the central Government, nor do we have to look at the difficulties in Nigeria to see the same thing. We can look closer to home. Within the United Kingdom, considerable pressures for devolution arose simply over who owns the oil. The question of who has power over energy resources is therefore a contentious one. Do we imagine that if that power is transferred from this place to European institutions, they will not want to use it to the advantage of the whole community, rather than allowing us to retain it and use those resources exclusively as we see fit?

I urge hon. Members to read the words in the treaty closely. When they do, they are bound to conclude that we should pass the amendment standing in the name of my hon. Friend the Member for Rayleigh (Mr. Francois) and, when we get to them, the amendments standing in the name of my hon. Friend the Member for Stone (Mr. Cash), and thereby ensure that we do not transfer powers over energy resources, which we have in greater abundance than anyone else in Europe.

Michael Connarty (Linlithgow and East Falkirk) (Lab): First, I apologise to the hon. Member for Rayleigh for not supporting him this evening. He was very warm about my speech yesterday, but unfortunately I would describe amendment No. 204 as unnecessary and amendment No. 205 as mischievous, and certainly not constructive.

The reality is that nothing will really change. That point was well made by the Liberal Front-Bench spokesman. There is already a shared competence, as the Opposition motion that we debated earlier stated. All the provisions that are now in the treaty and that were proposed in the constitution were already in parts of other treaties that we had signed and which were operating. That is the truth. There is no real change; the proposals simply formalise and clarify the current arrangements.

In effect, there is already shared competence in energy matters. The term is often used to describe areas of law making where the exercise of EU competence does not exclude the exercise of a member state's legislative powers. That has been the arrangement in energy markets for some time. We have already been co-operating and benefiting from solidarity—the fact that we mention the word does not make the position different.

The speech that the right hon. Member for Hitchin and Harpenden (Mr. Lilley) gave was entirely wrong, because he left out the end of article 176, which says that the choice is allowed not only between different energy resources, but over the general structure of a nation's energy market and energy supply, which means that we will indeed continue to control our energy resources.

That was the great controversy during the Convention, when there was a proposal—I spoke against it in the House—that would have prevented us as a nation from doing a bilateral deal with Norway. As the chair of the all-party British offshore oil and gas industry group, I was helping the then Minister, Brian

Wilson, to negotiate a deal with the Norwegians on the Ormen Lange pipeline, to bring 20 per cent. of this country's gas supplies from Norway. That would have been prevented, had the original proposal in the Convention gone through.

Dr. Gavin Strang (Edinburgh, East) (Lab): Will my hon. Friend give way?

Michael Connarty: I have only one minute left, so I cannot.

We drove that proposal out and now we have the arrangement that I have described. The Ormen Lange pipeline was launched on 6 October 2007—it was reported that the then Minister for Competitiveness, my right hon. Friend the Member for East Ham (Mr. Timms), was at the opening.

Our worry was that an attempt would be made to take the matter further than we were willing to allow, as often happens in negotiations with the EU Commission. Now, however, we have a shared competence named in the treaty. It is also limited in the treaty and it should be supported. The amendment is therefore unnecessary, because it would do nothing except reverse the situation. If we were to decide not to have shared competence, would we do this alone? Would the UK withdraw and somehow run an energy market on its own? That is not possible, acceptable or sensible.

7 pm

The Minister for Europe (Mr. Jim Murphy): I am delighted to respond to the debate on the amendments. It was led—pretty gracefully, I thought—by the hon. Member for Rayleigh (Mr. Francois) in his typical fashion. We have also heard—perhaps less enjoyably, but none the less interestingly—about the 4 am dreams of my hon. Friend the Member for Middlesbrough (Sir Stuart Bell), and we have been told how the right hon. Member for Hitchin and Harpenden (Mr. Lilley) was seduced, no less, into voting for membership of the European Community back then. I believe that that is what he was implying.

We also heard from my hon. Friend the Member for Wolverhampton, South-West (Rob Marris) and my right hon. Friend the Member for Leicester, West (Ms Hewitt). They are becoming a formidable double act, if they do not mind my saying so. In a series of telling interventions, they got to the core of the choices facing the House tonight. We also heard from the Chair of the Foreign Affairs Select Committee, my hon. Friend the Member for Ilford, South (Mike Gapes), who put the debate into a wider, international context. He referred to the unanimous conclusions of the Select Committee on these matters. Paragraph 162 of its report of 25 November states:

"We recommend that the Government…continue to encourage its EU partners to take a robust and united approach to dealing with Moscow, in the energy field and beyond."

That is the unanimous conclusion of all members, of all parties, of the Select Committee, including the right hon. Member for Wells (Mr. Heathcoat-Amory). It therefore seems to be accepted across the House that there is a need for a concerted effort and a united approach on energy policy, not only in Russia but in the wider international sphere.

We also heard from my hon. Friend the Member for Linlithgow and East Falkirk (Michael Connarty), who brought great wisdom and experience to the debate on the amendment. He talked about the changing nature of the debate, the negotiations on sovereignty and other matters relating to energy policy. He clearly articulated that, under the old arrangements, he campaigned against and would have voted against proposals such as those before us this evening. He said, however, that, because of the changes that we have secured on determining our own energy mix, retaining control of energy resources and ensuring that taxation remains an issue of unanimity, the proposals now have his enthusiastic endorsement.

Mr. Bone: I have sat here in the Committee for two days, but I have been unable to speak because of the short length of time allowed for the debates. Will the Minister take this on board and do something about altering next week's business, so that we can have more time to discuss these matters in Committee than is allowed for under this funny motion business?

Mr. Murphy: That is not an issue for the debate on the amendments but, as I said earlier in the week during our debate on the business motion, we intend to continue to be flexible when we can. It is important that the hon. Gentleman be given the opportunity to articulate his belief that Britain would be better off out of Europe altogether. That is an argument that deserves to have a greater airing in the House, so that we can debate it in greater detail.

Mr. William Cash (Stone) (Con): On a point of order, Madam Deputy Speaker. The point that my hon. Friend the Member for Wellingborough (Mr. Bone) just made, to which the Minister replied, is very important. Perhaps we misunderstood, but I thought we had clearly been given to understand that flexibility would be shown and that there would be a change in relation to all the days allotted for these debates, yet we found that the time allocation today was four and a half hours and one and a half hours. We might have misunderstood the position, but it seems clear that the Minister has no intention of changing the timetable. I hope that I am wrong, in the interests of conciliation. We really must have some kind of response to the point that my hon. Friend has raised, in relation to every single day.

The First Deputy Chairman of Ways and Means (Sylvia Heal): That is not a point of order for the Chair and it is certainly outside the scope of our debate on the amendments currently before the House. The hon. Gentleman will know that there may be other means, arranged by the business managers, whereby that matter could be discussed.

Mr. Murphy: These amendments would exclude the provisions in the Lisbon treaty that define the competence on energy from having any effect in UK law. The Lisbon treaty includes energy in the list of areas of shared competences. Since Maastricht, the EU has had competence over energy, which is what enables the EU to enter into agreements with other countries—for example, the treaty establishing the energy community, which expands the EU single market in energy to the states of south-east Europe.

[Mr. Jim Murphy]

Article 2C of the Lisbon treaty defines the Union's competences, including energy as a shared competence, which the lead amendment is designed to remove. The treaty explicitly states that competences not conferred on the EU remain with member states, so it provides greater clarity than before.

Article 176, the target of some of the amendments, sets out the EU's competence for energy. Removing that article would prevent the UK from implementing any actions agreed under the new legal base. The whole purpose of setting out the EU's competence in energy is to clarify for the first time that the EU can do so and make it easier for it to do so. The appearance of a separate energy article in the Lisbon treaty reflects the growing importance of EU action to help to achieve the UK's energy and climate change priorities. This new article will help to ensure that policies on energy markets, energy security and energy efficiency are coherent and mutually reinforcing. That is vital in order successfully to drive the transition to a high-growth, low-carbon economy in Europe. This dedicated legal base helps to achieve that for the first time.

The new article also strikes the right balance in preserving the rights of member states to control their own energy resources. We sought safeguards, as my hon. Friend the Member for Linlithgow and East Falkirk mentioned, and achieved them. New article 176A—old article 147—states:

"Such measures shall not affect a Member State's right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply".

Mr. Lilley: Will the Minister confirm my point that qualified majority voting would still apply to decisions about the allocation of supplies of resources throughout the community?

Mr. Murphy: The point about QMV in energy is that the new article should make it easier to deliver the effective EU energy-efficiency policies that we all seek to achieve. My hon. Friend the Member for Luton, North (Kelvin Hopkins) spoke earlier about the fact that France and Italy have not yet achieved liberalisation of their energy markets, yet 20 million of our own citizens enjoy the services of French and German energy companies. The challenge, of course, and the imponderable question, is this: if we were to remove EU competence for energy, how could we achieve that type of market access and liberalisation of the market seen in France and Germany, which all political parties claim to want to achieve?

Mr. Jenkin: With the greatest respect, the Minister did not answer yes or no to a very plain yes or no question from my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley), so let me try putting it in a different way. The Minister cites paragraph 2 of article 176A, but will he assure the House that under no circumstances could the European Union vote by qualified majority voting on the allocation of a member state's energy resources? Will he give us that assurance?

Mr. Murphy: Article 176 is very clear. It states:

"Such measures shall not affect a Member State's right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply".

Mr. Jenkin: Allocation.

Mr. Murphy: It is very clear indeed.

Mr. Cash: The Minister omitted the following words, which go to the heart of the point I raised with the Secretary of State:

"without prejudice to Article 175(2)(c)."

That takes us back to the arrangements for the approximation of laws and the internal market. Therefore, the Minister ought to be more explicit in his explanation, because he is fundamentally misconstruing the position.

Mr. Murphy: I would never seek to do such a thing, either implicitly or explicitly, in the hon. Gentleman's presence. It is clear that nothing in the treaty affects the allocation of energy reserves or stocks. The new article does, however, strike the right balance in preserving the rights of member states. The Opposition have said that they support the principle of EU co-operation on energy, but removing all EU competence over energy, as amendment No. 33 would, would prevent the UK from giving effect to any agreement we reach with EU partners.

The right hon. Member for Hitchin and Harpenden talked about the inclusion in a legally binding protocol of undistorted competition. President Sarkozy has acknowledged that that is symbolic rather than substance and—*[Interruption.]* The hon. Member for Rayleigh might scoff at President Sarkozy; that is his business, not mine. I do not know whether he would also scoff at the Law Society's guide to the Lisbon treaty, published only yesterday, which states of the protocol on competition:

"This does not change the current legal position."

That is made clear by no less a body than the Law Society—of the United Kingdom, not of France.

The hon. Member for Ribble Valley (Mr. Evans) asked why we could not be just like Norway or Switzerland—and, if he was to complete the list, like Liechtenstein, which is the third great nation in that triumvirate. Norway is not in the EU; some Opposition Members realise that, and it is what they celebrate about the country. However, it still has to apply all EU energy acquis in full. So if we were to follow the hon. Gentleman's suggestion of being like Norway, we would have—lock, stock and barrel—every EU energy policy, but with no influence over or say in the policy.

Opposition Members have sought to criticise the principle of solidarity. That principle was first established in article 2 of the Maastricht treaty.

Mr. Shepherd *indicated assent.*

Mr. Murphy: The hon. Gentleman is fair enough to acknowledge that. Many Conservative Members now repudiate that treaty and wish they had not voted for it, judging by their comments this evening. Many Members of the Labour party and of other Opposition

parties recognise, however, that solidarity in energy policy is important. The Conservative Opposition castigate that solidarity, but it is celebrated on the Labour Benches because it is crucial. As article 176 of the Lisbon treaty states, when there is a terrorist attack or a natural or man-made disaster, such solidarity is a part of Community feeling, a part of human civilisation and a part of internationalism. It is a key aspect of the concept of solidarity that we stand by those who experience terrorist attack or natural or man-made disaster. Labour Members believe in the principle of solidarity; in times of danger or disaster, we are stronger together and weaker if isolated.

Mr. Shepherd: Of course we believe in a generalised sense of solidarity. The Minister gave a good description of that; as his illustrations made clear, it is to do with sympathy and common humanity. What we are discussing now, however, is a legal system. That is the distinction.

Mr. Murphy: What I am talking about is structured solidarity that ensures that the EU can provide support at a time of terrorist attack or man-made or natural disaster. The fact is that we can also benefit from this EU solidarity and, in principle, we support it.

Martin Horwood: If the Minister wants a concrete example of the expression of solidarity, he has only to look to what happened in Gloucestershire last summer. The floods resulted in an application to the European solidarity fund. It was supported by local Conservative Members as well as others. That kind of practical application would be prevented if the concept of solidarity were removed from these treaties.

Mr. Murphy: The hon. Gentleman is right.

The Opposition amendment invites the House to believe that every Government in Europe, left and right, cheered on by every Opposition in Europe apart from this one, have knowingly and voluntarily entered into a European conspiracy within a fiendish French plot that will bring gas rationing and shortages to Birmingham. That is clearly not the case, and I ask the House to reject the amendments that have been tabled.

7.15 pm

Mr. Francois: I have three minutes in which to speak, so may I briefly make a point about time? We have only one and half hours to debate amendments because of the Government's business motion. Again, a number of hon. Members rose to their feet at the conclusion of the allocated time as they had not been able to speak. We did not manage to reach the second group of amendments, so we cannot vote on amendment No. 142. That is a shame, because I was minded to support it and to ask my hon. Friends to do the same. Again, the promise of line-by-line scrutiny has not been adhered to.

The Liberal Democrat spokesman, the hon. Member for Cheltenham (Martin Horwood), said that he did not always agree with our Back Benchers. We might not have agreed with the Liberal Democrat Back Benchers, had any of them bothered to turn up for the debate. He said that he did not agree with our amendments. We might not have agreed with his amendments, had the Liberals bothered to table any on this subject. The only amendment they keep trying to table, which has been repeatedly ruled out of order, is one on an in/out referendum. They do so because they are fundamentally split on what to do about a referendum on the EU constitution.

Let me turn to the Government's position. Our amendment is largely based on their original negotiating position. The powers that we are attempting to remove from the treaty are exactly the same ones they attempted to oppose and then gave in on. Their own amendment tabled by the Minister's predecessor stated:

> "This provision is unnecessary as all aspects of energy policy are effectively covered elsewhere in the Treaty e.g. single market, environment. In addition, we have detailed concerns on the text, which we consider may have the unintended effect of changing the boundaries of EU competence and the types of measure which will be subject to unanimity."

As the Government were too weak to insist on that, we are attempting to do what they should have done in the first place. That is the basis of our position. They accuse us of exaggerating, when all we are trying to do is to keep them honest in the first place. On that basis, and because the Minister has failed to answer the question all the way through, we are not satisfied, so I seek to test the will of the Committee on amendment No. 204.

Question put, That the amendment be made:—

The Committee divided: Ayes 159, Noes 351.

Division No. 064] **[7.18 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Bellingham, Mr. Henry
Bercow, John
Beresford, Sir Paul
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Butterfill, Sir John
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dorries, Mrs. Nadine
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Dunwoody, Mrs. Gwyneth
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, rh Mr. Frank
Field, Mr. Mark
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Gove, Michael
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hoey, Kate

Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howard, rh Mr. Michael
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Prisk, Mr. Mark
Randall, Mr. John
Redwood, rh Mr. John
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, rh Mr. Peter
Rosindell, Andrew
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Dr. Richard
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Watkinson, Angela
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeoha, rh Sir George

Tellers for the Ayes:
Mr. Richard Benyon and
Mr. Crispin Blunt

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bruce, rh Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burstow, Mr. Paul
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Cairns, David
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Carmichael, Mr. Alistair
Caton, Mr. Martin
Cawsey, Mr. Ian
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Kenneth
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davey, Mr. Edward
David, Mr. Wayne
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Farron, Tim
Fisher, Mark
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
George, Andrew
George, rh Mr. Bruce
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Holmes, Paul
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Hosie, Stewart
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Keetch, Mr. Paul
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman

Lammy, Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacNeil, Mr. Angus
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Rennie, Willie
Riordan, Mrs. Linda
Robertson, Angus
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Taylor, Matthew
Thomas, Mr. Gareth
Thurso, John
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Vis, Dr. Rudi
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Webb, Steve
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wishart, Pete
Wood, Mike
Woodward, rh Mr. Shaun
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Noes:
Alison Seabeck and Siobhain McDonagh

Question accordingly negatived.

It being more than one and a half hours after the commencement of proceedings in the Committee, The First Deputy Chairman of Ways and Means *left the Chair to report progress, and ask leave to sit again, pursuant to Order [this day.]*

To report progress and ask leave to sit again.—*[Mr. Khan.]*

Committee report progress; to sit again tomorrow.

DELEGATED LEGISLATION

Madam Deputy Speaker (Sylvia Heal): With the leave of the House, I shall take motions 4, 5, 6 and 7 together.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Delegated Legislation Committees),

Companies

That the draft Large and Medium-sized Companies and Groups (Accounts and Reports) Regulations 2008, which were laid before this House on 17th December, be approved.

That the draft Small Companies and Groups (Accounts and Directors' Report) Regulations 2008, which were laid before this House on 17th December, be approved.

That the draft Companies Act 2006 (Amendment) (Accounts and Reports) Regulations 2008, which were laid before this House on 17th December, be approved.

Corporation Tax

That the draft Insurance Business Transfer Schemes (Amendment of Corporation Tax Acts) Order 2008, which was laid before this House on 10th December, be approved.—*[Mr. Khan.]*

Question agreed to.

BUSINESS OF THE HOUSE

Ordered,

That, at the sitting on Monday 4th February, notwithstanding the provisions of Standing Order No. 16 (Proceedings under an Act or on European Union documents), the Speaker shall put the Question necessary to dispose of proceedings on the Motion in the name of Secretary Jacqui Smith relating to Police Grant Report not later than three hours after the commencement of proceedings on the Motion, and shall put the Question necessary to dispose of proceedings on the Motion in the name of Secretary Hazel Blears relating to local Government Finance not later than Ten o'clock; proceedings may continue after the moment of interruption; and Standing Order No. 41A (Deferred divisions) shall not apply.—*[Mr. Khan.]*

Travelling Community

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Khan.]*

7.34 pm

Mr. Brian H. Donohoe (Central Ayrshire) (Lab): I have been campaigning on the issue of the travelling community since I was elected in 1992, with limited success. I have tried to deal with and resolve the problems that affect the travelling people in my constituency and, I believe, across the whole country. When I came to this House I had a romantic view of travelling people; I believed that the Gypsy population was made up of good, God-fearing people who listened to and understood the law, and who carried out their duties within it. Over the time that I have been a Member of Parliament, my opinion has been substantially eroded. Those people have become a threat to the community, and the powers-that-be seem powerless to intervene effectively. As individual MPs, we face a brick wall while the problem escalates by the year.

Julie Morgan (Cardiff, North) (Lab): I am listening closely to my hon. Friend. Does he agree that most of the difficulties between Gypsies, Travellers and the settled community in the UK are caused by the lack of official sites and stopping places for Gypsies and Travellers? Does he agree that the relationships would be much better if there were sufficient places for them to stop?

Mr. Donohoe: I know that the hon. Lady spends a tremendous amount of time advocating that cause, and I applaud her for that. The difficulty is that in my constituency we have two of those camps, yet I still find myself faced with illegal tippers and the other problems that come along with the Travellers.

Several hon. Members *rose—*

Mr. Donohoe: I shall give way two or three times, but time is obviously against me.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): In my experience, the problem is that when we provide camps for travelling people or Gypsies, they then trash the camps. If there is a camp they have to live in it, but they want to travel throughout the country. The legislation means that if a camp is provided, they have to go to it. In my experience, they trash the camp so that they can go wherever they want in the community.

Mr. Donohoe: I understand that problem; I have seen it in the sites that I have visited.

There is a perception that dealing with the travelling community is a devolved issue, and obviously I represent a Scottish constituency. However, we require multi-agency solutions. The Department for Work and Pensions, HM Revenue and Customs and all sorts of UK-wide agencies are involved. I shall address that point later.

It is clear that we need a debate. We need a rounded discussion, which must involve a review of the legislation in England and Wales and in Scotland in light of all the barriers. We will need cross-party support for such a review. On the basis of my experience and that of other hon. Members from all parties, it is clear that the issue raises its head across the whole of the UK.

Martin Salter (Reading, West) (Lab): Will my hon. Friend give way?

Mr. Donohoe: I shall make another point and come back to my hon. Friend.

In addition, an attempt has been made to pass legislation to ban bogus doorstep salesmen, a substantial percentage of whom are Travellers. The police have told me that, and I have the same information from the police force's central computers. It is clear that crime and travelling people are connected. I sometimes have as many as 50 or 60 caravans in my constituency at a time, and I know that crime problems are correlated with the arrival of Travellers. That is unfortunate, but it is the case.

I have also identified other problems that I am sure are familiar to other hon. Members. My hon. Friend the Member for Paisley and Renfrewshire, North (Jim Sheridan) has mentioned litter already, but another problem is the dumping of waste. For example, the local authority in my area gave Travellers Portaloos, but they were dumped in the skips that the authority had supplied for their rubbish and set alight. That is the sort of person that we are dealing with: I know that there are some good ones among them, but that story is typical of our experiences with them.

Other problems include people on the beach park at Irvine being intimidated while out running or walking their dogs, and being told that they have no right to be there. Constituents of mine have been shot at by the travelling people, and the House would find it hard to believe the sort of debris—from building work being undertaken on their behalf—that has been left when Travellers leave a camp. Also, Travellers are guilty of selling items without having a trading licence, and we have sometimes found that their caravans have been illegally imported, with no duty paid.

Martin Salter: My hon. Friend is talking about the need for more legislation, and I do not disagree, but does he accept that it would be refreshing if the police used the powers already on the statute book? The House has passed legislation to deal with antisocial behaviour, fly-tipping and harassment, but many local communities feel that there is one law for Travellers and another for them. Does my hon. Friend know why that should be?

Mr. Donohoe: My hon. Friend is entitled to ask that question, and it is part of the problem that has been identified to me. Like him, I believe that much of it can be dealt with under the existing law, and later in my speech I shall show that the relevant agencies do not seem to be behaving in a sufficiently proactive way.

Some people suggest that the Traveller community is outside society as we know it. That is very worrying, as people have even suggested to me that vigilante groups should be set up. That would set a very dangerous

precedent in Ayrshire: I would not want to go down that road, or recommend it to anyone at all.

Traveller children are kept out of school, and as a result run riot on quad bikes—and I have already mentioned the fearsome dogs in the camps. There is wanton vandalism to property: when the Travellers are in town they breach all the security put in place around empty factories, for example, with the result that the factories are trashed and millions of pounds-worth of damage is done. They also lift all the stones put down to stop them camping, and then claim that that just happened by accident.

Rosie Cooper (West Lancashire) (Lab): Does my hon. Friend agree that local people see Travellers as outside the social norm? In my constituency, local Conservatives have told people that there is to be a campsite on their doorstep, when in fact no such site has ever been suggested. Travellers are guilty of real antisocial behaviour, but the actions of local Conservatives are an example of that being exploited for purely political gain. The fact that there are no Conservative Members on the Opposition Benches for this debate proves that they do not care about what is a real issue for all our people.

Mr. Donohoe: I am sure that my hon. Friend is correct, and I support most of what she says. There is another side to the equation, however, and it may be relevant to her intervention. Since I have been in the House, I have tried to get a representative of the Traveller community to meetings that I have set up. I have engaged with the local authority to get someone from that community to explain what we have got wrong and how we can correct that for the good ones that we know exist. Not one person north of the border can be identified as being from an organisation in any way connected to travelling people, which leads me to suggest that something is wrong.

Let me draw a parallel: I am a close supporter of the Showmen's Guild, and I spoke at its 100th anniversary lunch. It has a structure, and people can go and speak to its representatives. We can tell them if there are problems with loud music or other issues, and we can talk to them about where they are and where they will be. They listen, there is reasonable rational debate, and we reach a solution to any problem. I cannot think of any comparable body north of the border. My hon. Friend the Member for Cardiff, North (Julie Morgan) recently held a meeting in the House that was attended by a travelling person. I talked to her to find out whether she had a contact north of the border, and she said that there was none. I am up against it in that respect. The authorities argue that they, too, are powerless.

David Taylor (North-West Leicestershire) (Lab/Co-op): I would go further than my hon. Friend the Member for Reading, West (Martin Salter) did: the issue is not just the unwillingness or reluctance of the police to use their powers, but co-ordination. That is why this Friday I am co-ordinating a Travellers round table in Coalville—Leicestershire is an area with chronic Traveller problems—at which the Environment Agency, the National Farmers Union, landowners, the local authorities and the police can see whether there is a way ahead, so that we can co-ordinate, work together and co-operate better in dealing with problems as they occur. At the moment, co-ordination is spasmodic and inchoate.

Mr. Donohoe: I am sure that my hon. Friend is right. I will come to that point later. I am conscious of the time, and I would appreciate it if there were no more interventions; otherwise, the Minister will have no chance to reply.

As part of my campaign I have held two summits in recent years, in which I worked closely with my two local authorities, their chief executives, trading standards officers, liaison officers, the police, Her Majesty's Revenue and Customs and the Department for Work and Pensions. I have had meetings to attempt to resolve the issues, as we—including my constituents—see them, and I have not had the satisfaction of finding a solution to the problem. The local authority says that it is powerless to act because of how the law is structured. Unless there is a change to both Scottish law and the law in England and Wales, we will never eradicate the problem, which affects so many people across the country.

Scottish law does not afford councils powers to deal with trespassers, and councils cannot use protective or regulatory powers to deal with offenders. One of my local authorities told me:

"we have no easy way of physically moving offending Travelling People on from our land without the sanction of a court order. To get such an order we require evidence".

The issue of the quality and quantity of such evidence, and how practical it is to gather it, is problematic. The chief legal officer of North Ayrshire council says that

"the way in which Eviction Orders are granted would in my view require changes in primary legislation."

All that relates only to council land. We then come to private land, which is even more problematic for those affected. As I said earlier, factories are trashed, in addition to everything else. I am asking for a review of English and Welsh legislation, as that might act as a catalyst for proposals on the subject north of the border.

There is no doubt that some Travellers are decent, law-abiding people. I have come across them, and they have my strong support for their right to go about their business. However, my constituency seems to be a magnet for what can only be described as convoys of cowboys. What really disturbs me is that they just do not listen to reason. There is no law that they will not break to go about their business. Worse, they prey on the gullible and the elderly in our society. One case came to my attention in which a man was taken to the bank and withdrew £102,000 to install a new roan pipe in his property. The people involved were charged, but that is an example of the situation that we face.

The size of Britain's Traveller population is estimated to be around 300,000, with about 200,000 in settled housing. Data from the Joseph Rowntree Foundation show that in 2006 there were 16,300-odd caravans, of which 6,500 were on local authority sites, almost 6,000 on authorised private sites, 2,250 on unauthorised developments and just under 2,000 on unauthorised encampments. In England, part of the problem that has been identified to me are the marauding

[Mr. Donohoe]

youngsters. Because they are not in school, they can commit offences and breach the peace. If they were at school, there would be fewer problems.

In conclusion, I ask the Minister to take note of the questions that I am about to ask. If he cannot answer them tonight, perhaps he will do so at some other time. Can he tell me of any proposals to undertake another initiative to deal with the problem that I have described? As a member of the Select Committee on Transport, I, with my colleagues, joined the police and other agencies on Operation Mermaid, which was designed to take all the cowboys off our roads and buses. That was an extremely successful operation. Can a similar initiative be undertaken in respect of travelling people? Perhaps the Minister could engineer something along those lines.

Does the Minister agree that there is overwhelming evidence of the problems that I have outlined? He must be aware of that. Will he consult the relevant officials and review the need for more funding to be given to third parties, such as dedicated police officers in all police forces, so that they can do the necessary work? Part of the problem is that police forces are underfunded, and do not have funding specifically allocated to deal with this matter.

Will the Minister consider a change in the legislation, which is clearly required both south and north of the border? Legislation could and should be in force to deal with the unsolicited doorstep sales that Travellers are involved in. Finally, as a result of the debate, and in view of the amount of interest that has been shown, will the Minister consider meeting me, and some of the other hon. Members who have taken the trouble to come to the House this evening and listen to the debate?

7.52 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Iain Wright): I congratulate my hon. Friend the Member for Central Ayrshire (Mr. Donohoe) on securing the debate. I do not think I have ever seen such a well attended end-of-sitting Adjournment debate. That shows the importance of the issue.

I agree with my hon. Friends the Members for Cardiff, North (Julie Morgan) and for West Lancashire (Rosie Cooper) that as parliamentarians we have an obligation in the manner in which we discuss the matter, and that some sort of political consensus across the House on our approach is needed.

Let me start at the end, as it were, with the request of my hon. Friend the Member for Central Ayrshire for a meeting. I am more than happy to meet him and other interested hon. Members to discuss the issue, and I look forward to doing that soon. However, as he mentioned, responsibility and accountability for Gypsy and Traveller issues are devolved to the Scottish Government. Although I can provide information on where the position in Scotland differs from that in England, I cannot comment specifically on the Scottish Government's behalf, and I would not want to do so. I understand that my hon. Friend has communicated with and met members of the Scottish Executive.

Sadly, my hon. Friend mentioned the important matter of antisocial behaviour. I want to be clear. Nobody is above or exempt from the law. The law applies to Gypsies and Travellers as it does to the settled community. Every community—I stress, every community in this country, regardless of whether they are settled, Travellers or any other community—needs to be confident that action will be taken by the relevant authorities, whether that is the police, trading standards, other parts of the local authority or other agencies, against the small minority in society who do not abide by the law. I shall come back to the point about publishing guidance on antisocial behaviour.

At the heart of the problems described by my hon. Friend is the shortage of authorised sites for Gypsies and Travellers; that is forcing them on to unauthorised sites, as my hon. Friend the Member for Cardiff, North mentioned. I suggest that the problem causes tension within the Traveller community and between Travellers and the settled communities. Local authorities are forced to spend resources dealing with the problems of unauthorised encampments; that often involves displacing the problem from one area to the next.

The Government believe that everyone should have the opportunity of a decent place to live. That is why housing remains high on the political agenda, if not at the top of it, and why we are committed to increasing the supply and quality of affordable housing. Furthermore, I am currently serving on the Committee stage of the Housing and Regeneration Bill, which establishes the Homes and Communities Agency and improves security of tenure for Gypsy and Traveller communities.

Increased authorised site provision, coupled with the effective use of enforcement powers and a joined-up approach between the various organisations, is vital to addressing the problems highlighted by my hon. Friend the Member for Central Ayrshire and others tonight. I believe strongly that there are incentives for everyone—Gypsies and Travellers, local authorities and the settled community—to increase the amount of authorised site provision. That will reduce unauthorised camping and the tensions that that can cause with the settled community. It will also reduce the need for—and cost of—enforcement action, and help tackle the serious social exclusion experienced by Gypsies and Travellers, by helping to improve health and education outcomes. Everybody benefits when more authorised sites are provided.

I mentioned that site provision will reduce the amount of resources that authorities spend on costly enforcement action. The Commission for Racial Equality estimates that at about £18 million a year, and the Audit Commission referred to the issue in relation to one local authority as a "wasteful use of resources". Site provision also makes it quicker and easier to take enforcement action where unauthorised camping does take place. To answer directly the point rightly made by my hon. Friend the Member for Reading, West (Martin Salter), there is a range of powers available to landowners, local authorities and the police to deal with unauthorised encampments. Those range from common law powers and civil procedures in the county court, to the powers of local authorities and the police to direct trespassers to leave land in certain circumstances.

Police powers to direct trespassers to leave land will often be the quickest policy, as they can be used without reference to the courts. However, there are other things that authorities and the police can do to speed up the process, including having protocols in place to deal with cases of unauthorised sites. However, I come back to the central point of my argument: enforcement action will always be quicker and more effective where appropriate authorised sites are available. I suggest that that should be the priority for local authorities.

Our task group on site provision and enforcement—chaired by Sir Brian Briscoe, a former chief executive of the Local Government Association—has reviewed the operation of enforcement powers and taken evidence from local authorities and others involved in using the powers. My hon. Friend the Member for Central Ayrshire asked whether we need more legislation. In its final report, "The Road Ahead" published in December, the group concluded that the scope and nature of existing enforcement powers are sufficient, but that considerable improvements could be made to the way in which they are used. We are committed to ensuring that those improvements are made.

We have already provided guidance for local authorities and others on unauthorised encampments and developments. It sets out the powers available, and provides practical advice on their use. We have also published guidance on managing unauthorised camping which emphasises the need for a joined-up approach between the different organisations with an interest. I understand that the Scottish Government have produced similar guidance. I mentioned my hon. Friend's point about published guidance on antisocial behaviour. In the spring we will be publishing guidance on tackling antisocial behaviour as it relates to Gypsies and Travellers. I hope that he finds that reassuring.

In England, in order to achieve the increase in accommodation that we seek, we have established a new framework for site provision. Local authorities are required by the Housing Act 2004 to undertake accommodation needs assessments for Gypsies and Travellers in the same way as they do for the rest of the community. All those assessments should have been completed by now.

Regional assemblies are at various stages in the process of revising their regional spatial strategies to specify the number of pitches that each local authority will be expected to deliver. Authorities will then need to identify sites to deliver those pitches in their development plan documents. I understand that the Scottish Government have asked local authorities to consider the accommodation needs of Gypsies and Travellers in their local housing strategies.

To back up the new framework in England, we have increased the resources available for Gypsy and Traveller sites. Since 2006 we have spent £33.6 million, which will deliver an additional 284 pitches and refurbish 111 sites. In the last few weeks, I have announced that we will make a further £97 million available for new sites, and the refurbishment of existing sites, between 2008 and 2011.

Mr. Donohoe: When we originally set up the camps in my constituency, the condition was that when a local authority agreed to set up a camp it was given more powers to move on illegal Travellers who might turn up in the area. Is that likely to feature in the legislation to which the Minister has referred?

Mr. Wright: As I said earlier, the task group chaired by Sir Brian Briscoe judged that the current enforcement procedures were adequate but were not being complied with effectively enough. I must deal with that; I think that the existing framework is sufficient, but that we must push local authorities and others to ensure that it is implemented as much as possible.

I was talking about additional funding, which my hon. Friend raised in his excellent speech. I believe that the Scottish Government have also made grant available.

The task group that I mentioned concluded that our policy for the provision of sites was sound, but that progress in delivering new sites was slow. It recommended that where there was an established need for new Gypsy and Traveller sites, local authorities should begin work on preparing a site allocations development plan document now.

The new framework that we have established is crucial to making progress on site provision in England. Coupled with effective enforcement action—which I fully appreciate is necessary—and a joined-up approach to the issues, an increase in site provision will help to create strong, cohesive communities. Only by significantly increasing the number of authorised sites will we ensure that all parts of the community have a decent place to live. That will reduce the tensions that unauthorised sites can cause with the settled community. It will also reduce the need for, and cost of, enforcement action, and will help to make it easier to use enforcement powers, as well as improving the life outcomes of the most socially excluded group in society.

I congratulate my hon. Friend again on securing a debate on a very important issue. I thank him for giving me an opportunity to explain why the provision of authorised sites is so important, and why it should be seen in the policy context of affordable and appropriate accommodation for all. I hope that we shall have an opportunity to discuss the matter on other occasions, and I should be pleased to meet my hon. Friend and others for that purpose.

Question put and agreed to.

Adjourned accordingly at three minutes past Eight o' clock.

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House of Commons

Thursday 31 January 2008

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

ENVIRONMENT, FOOD AND RURAL AFFAIRS

The Secretary of State was asked—

Low-Energy Light Bulbs

1. **Dr. John Pugh** (Southport) (LD): What assessment his Department has made of local authority arrangements for the disposal of low-energy light bulbs. [178855]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Joan Ruddock): My right hon. Friend the Secretary of State for Business, Enterprise and Regulatory Reform is responsible for approving facilities for the disposal of electrical equipment, including low-energy light bulbs. No assessment has been made.

Dr. Pugh: I thank the Minister for that answer. In my council area, half the waste centres have no collection point for bulbs, retailers do not take them and the council advice is to stick them in the bin. Is that not the real picture nationwide? Can the Minister enlighten us further?

Joan Ruddock: I can certainly enlighten the hon. Gentleman. That is not the picture with which I am familiar. I took the trouble to inquire about local facilities for his constituents. I understand that Merseyside waste disposal authority has 14 designated collection points, five of which have separate collections, and that Sefton has two collection points, of which one, at Sefton Meadows, is separate. I rang Sefton Meadows, and the staff there performed well; they were able to answer my question about how to dispose of a low-energy light bulb properly.

More information needs to be given to the public. That is the duty of local authorities, all of which have sites where such light bulbs can be taken, and of retailers, who have a responsibility when selling them to say where they can be disposed of. A few retailers will take them back.

Mrs. Betty Williams (Conwy) (Lab): A constituent has raised an issue with me about his four-and-a-half-year-old granddaughter, who suffers from eczema. She suffers great discomfort under standard low-energy bulbs—he cites as examples those in Boots and Mothercare— but when she is under standard fluorescent lighting or near household low-energy bulbs, she does not suffer. Can my hon. Friend throw any light on that problem for my constituents?

Joan Ruddock: That certainly must be a serious problem for a child with eczema. Since the phase-out of domestic high-energy light bulbs was announced and has become better known, we have received anecdotal evidence that some people with certain skin conditions may be affected by low-energy bulbs. Working with the Department of Health, we are looking seriously at the matter. I have agreed a meeting with Lupus UK, and if others wish to join us at that meeting, I would be pleased to see them. There is a difference between domestic lighting and some other forms of fluorescent lighting still used in shops and offices. Domestic lighting has improved so much that we anticipate that the problem will be overcome.

Michael Fabricant (Lichfield) (Con): Is the Minister aware that if one accidentally breaks a low-energy light bulb, the dust inside is mercury? Inhaling mercury can be very dangerous. In the Budget, the Chancellor of the Exchequer mentioned additional funds being made available to encourage people to make their homes energy-efficient. Will that budget extend to clear guidance and better packaging to ensure that such bulbs are not broken, and clear instructions about what to do if they are?

Joan Ruddock: I am grateful to the hon. Gentleman, because that issue has been mentioned a lot in the press, and we need to make it clear what the problem is. Low-energy bulbs contain about 5 mg of mercury now, compared with 100 mg when they first came out. The amount is constantly being reduced, and low-mercury bulbs are now available. If a bulb should be broken—although the chances of one breaking are extremely low, lower than for the old-fashioned incandescent bulbs—

Michael Fabricant: It might be dropped.

Joan Ruddock: If it were to be dropped it might not break, but if it did, the amount of mercury in a new bulb is perhaps enough to cover the tip of a ballpoint pen. However, mercury is dangerous and care must therefore be taken. The simple thing to do is what any sensible person would do with a dangerous chemical: open the window, leave the room for 10 to 15 minutes and then sweep up the broken bulb, seal it in a bag and dispose of it in the way that I described. However, people should not be nervous of the bulbs; no mercury escapes when they are in use.

Chewing Gum

2. **Mr. Graham Allen** (Nottingham, North) (Lab): If he will seek discussions with the Chancellor of the Exchequer on tax incentives for manufacturers of chewing gum to create a biodegradable product; and if he will make a statement. [178856]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jonathan Shaw): As my hon. Friend knows, there are always discussions between Departments and the Treasury on a range of issues. Any announcement on taxation is in the gift of the Chancellor of the Exchequer.

Mr. Allen: The Minister will know that disposal of chewing gum disfigures our city centres, gets on wheelchair users' wheelchairs, in the hair of children and so on. On the basis that the polluter should pay, will my hon. Friend ask the manufacturers to come to the Department to have a serious discussion with him about how we can undo some of that pollution? If they do not come up with some answers—there are biodegradable alternatives—will he consider making representations to the Treasury?

Jonathan Shaw: My hon. Friend and I recently had an Adjournment debate about the matter in Westminster Hall. The manufacturers are investing in research and development to provide a biodegradable product that is also non-sticky. Clearly, it is essential for the manufacturers that it tastes good and that it sells. That is obviously a commercial issue for them. The Department, along with a number of partners, meets the industry, and at future meetings I will discuss with manufacturers the point made by my hon. Friend. On taxation, I refer him to my earlier reply.

Robert Key (Salisbury) (Con): Will the Minister admit that this farce has been running for at least a quarter century? Is it not time to recognise that the civilised world has lost the battle against chewing gum, and that where people can spit chewing gum out, they will? In addition to the good work of the chewing gum action group, would it not be better to concentrate on encouraging research into technology that can clean up the mess more quickly and more cheaply than is now possible?

Jonathan Shaw: There has been a series of schemes throughout the country whereby councils have tried to educate the local community. Oxford council saw the biggest reduction in the amount of litter from chewing gum. It is the case that we need to increase the clean-up capability, and councils are doing their level best, and it costs a fortune. Also, as my hon. Friend the Member for Nottingham, North (Mr. Allen) said, a biodegradable non-sticky gum should be developed. He is right. The problem of chewing gum plagues every shopping precinct up and down the land. Councils are doing their best, but the key thing—if the hon. Member for Salisbury (Robert Key) does not mind my saying that—in the message to members of the public is, "Don't spit it out. Put it in the flipping bin."

Mr. Bill Olner (Nuneaton) (Lab): May I encourage my hon. Friend the Minister to take the route suggested by my hon. Friend the Member for Nottingham, North (Mr. Allen)? Chewing gum is a plague on all our communities, whether they be big or small, and a disproportionate cost is paid by society—not only by local authorities using council tax to clean up the mess, but by the people affected when it sticks to their clothing or is walked into their homes. I would not advocate going down the Singapore route by banning chewing gum completely, but every piece of chewing gum sold in this country should be biodegradable and non-sticky.

Jonathan Shaw: There are two manufacturers, with whom we are working closely. They are looking to develop a product that will be tasty and will sell. Let us hope that in future the type of chewing gum that now disfigures our pavements becomes a thing of the past. That requires a great deal of work. I know that the manufacturers are undertaking that and I am sure they have heard the voices from colleagues in the House today, which reflect wider public opinion.

Mr. Nigel Evans (Ribble Valley) (Con): Let us not let Wrigley's wriggle out of this one. *[Interruption.]* Well, it is as bad as the joke from the hon. Member for Conwy (Mrs. Williams) about light bulbs. The industry probably makes hundreds of millions of pounds from chewing gum and it should be investing much of that in research and development to produce biodegradable chewing gum. While we are waiting for that to happen, will the Minister have a word with the Home Office about enforcement, so that far more of those who spit chewing gum out on to the streets—a disgusting habit—face fines?

Jonathan Shaw: On the hon. Gentleman's final point, it is illegal to drop gum. The Cleaner Neighbourhoods and Environment Act 2005 gave councils the power to issue fixed penalty notices to people who do so, and councils are increasingly using that power.

Energy Efficiency

3. **John Robertson** (Glasgow, North-West) (Lab): What discussions he has had with Cabinet colleagues on increasing energy efficiency in the poorest households. [178857]

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): Improving energy efficiency in the poorest households is very important in tackling fuel poverty. Our latest annual progress report sets out the action that we are taking across Government, including through the Warm Front programme and the energy efficiency commitment.

John Robertson: I thank my right hon. Friend for that answer. I know that he thinks climate change is as important as I do. In that respect, the Warm Front and Warm Deal schemes, both introduced by the Labour party, have provided financial support and help for efficiency improvements in well over 1 million households in this country.

However, what assessment has my right hon. Friend made of the calls from the Government-sponsored Fuel Poverty Advisory Group for an extra £500 million to improve the Warm Front scheme? Will he ensure that the knock-on effect will get to the people on the Warm Deal programme in Scotland, and will not go into the Scottish Executive budget to be hidden away, as happened in respect of disabled children?

Hilary Benn: Funding for the Warm Deal programme is a matter for the Scottish Executive. As for funding in England targeted at those on low incomes, if we take

together the investment that we will make in Warm Front and what will come from the new carbon emissions reduction target—which is double the energy efficiency commitment, or EEC—we will, over the next three years, invest £2.3 billion in dealing with the problem raised by my hon. Friend. That is an increase of £680 million compared with the previous spending review period.

Dan Rogerson (North Cornwall) (LD): The Secretary of State may be aware of many Members' concern that the prices quoted for schemes under the grants administered by the Energy Action Grants Agency, or EAGA, are far higher than those that a local contractor would deliver for the same scheme. What assessment has the Secretary of State made of that issue and its impact on the overall budgets to deliver the objectives?

Hilary Benn: I am aware of those concerns. The scheme is audited and assessed to make sure that we get value for money. Having looked at some of the cases in a bit of detail, I think that we have to consider whether we are comparing like with like. Under the Warm Front programme, there is a follow-up service and so on, which may not apply in the case of local contractors bidding to do similar work. It is important that we compare like with like, but I share the hon. Gentleman's desire to ensure that we get every penny of value from the money we put in.

Tom Levitt (High Peak) (Lab): My right hon. Friend will be aware that the Warm Front programme is available only to pensioners and disabled people; many other people in poverty do not have access to Warm Front grants. The grants are available for central heating boilers only when they have failed; they are not available to replace old and inefficient boilers. Surely it is in the best interests of poorer people, the economy as a whole and tackling climate change that inefficient boilers in all the homes of those on the lowest incomes should be available for grant aid.

Hilary Benn: My hon. Friend has raised an important point about the need to improve the energy efficiency of home heating. In addition to the Warm Front scheme and the help that it provides, we are increasing, through the carbon emissions reduction target, the requirement on energy companies to encourage and support home owners to improve their energy efficiency.

The issue raises a fundamental point about what more we can do to ensure that energy efficiency and therefore carbon emissions from domestic households improve. Although from 2016 we will deal with new houses through the zero-carbon homes policy, we have an existing stock of about 25 million or 26 million homes for which a lot more could be done. The launch of the green homes service in April this year will provide a lot more advice for householders on the steps that they can take.

Gregory Barker (Bexhill and Battle) (Con): People are not worried only about the value for money of EAGA's contracts: is the Secretary of State aware that the agency has been charging low-income households up to £800 to access the Government grants? Having paid that money last autumn, some low-income households have been told that they will not get their new heating until later this year, after the winter. Is the Secretary of State aware of that, and if so, what is he doing about it?

Hilary Benn: When the hon. Gentleman says that people are being charged to access the grant, is he referring to the fact that the grant is available up to a certain amount and that any work that is then required above and beyond that has to be contributed to by the household? If so, we have always known that that is the case, because the grant provides support up to a certain level. If he is talking about something else and has particular cases in mind, will he bring them to my attention so that I can look at them?

Mr. Eric Illsley (Barnsley, Central) (Lab): May I turn my right hon. Friend's attention to electrical efficiency within the domestic scene and, again, to low-energy light bulbs, which the Government wish to introduce? Has he had any discussions with the Society of Light and Lighting about the power factor of low-energy light bulbs, which has to be at a level of 0.9 in order to make them effective? Any power factor in excess of that level—some bulbs on sale now have a factor of three times that—means that the bulb is burning power at three times the rating at which it is sold. For example, if it is 10 W, it will burn power at the rate of 30 to 40 W and is therefore not a low-energy light bulb at all. Will my right hon. Friend discuss those issues with the society?

Hilary Benn: The Under-Secretary, my hon. Friend the Member for Lewisham, Deptford (Joan Ruddock), who just answered the question about low-energy light bulbs, is in contact with that organisation, and I have no doubt that she will pursue the point that my hon. Friend has raised.

Food Pricing

4. **John Barrett** (Edinburgh, West) (LD): What consideration he has given to the regulation of farm to retail price spreads, with particular reference to supermarkets; and if he will make a statement. [178858]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jonathan Shaw): The Government believe that prices are for the market to determine and do not get involved, provided that competition rules are respected. As the hon. Gentleman is probably aware, the Competition Commission is currently conducting an inquiry into the groceries market as a whole.

John Barrett: Figures show that while the average farm-gate price for a litre of milk is 18p, it costs 21p to produce it, and it is then sold for 60p in the supermarket. What is the Minister going to do to give a fair deal to farmers, who are being held to ransom by the big supermarkets?

Jonathan Shaw: I am grateful for that question. Gate prices have increased considerably. That is partly to do with changing markets, with China and India increasingly wanting dairy products. We had the interim report from the commission in October, and we

expect a report in the first half of this year. Some of the issues that it will consider include tightening up the code, perhaps to include some of the other supermarkets. It is vital that we have transparency from farmer to producer to supermarket so that we can answer these questions, which people have been concerned about for a long time.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): The wages and conditions of workers have an impact on the farm to retail prices in our supermarkets. Is my hon. Friend aware of Unite's campaign to highlight the plight of migrant workers supplying food to major supermarkets such as Marks & Spencer? Does he agree that the terms and conditions of those migrant workers should not be exploited in order to produce cheap food for the supermarkets?

Jonathan Shaw: I am grateful to my hon. Friend for making that point. He has a proud track record in introducing the Bill that became the Gangmasters (Licensing) Act 2004. The authority is prosecuting where migrant and mobile workers are being exploited. We have the legislation and a series of safeguards, but if hon. Members are aware of any cases, they should bring them to the authority's attention. I have met its representatives, who have prosecuted where they have found such cases and will continue to do so.

Mr. Peter Atkinson (Hexham) (Con): But does the Minister accept that the low prices in the livestock sector recently were not the fault of the supermarkets, which actually behaved very responsibly, but of the Department for Environment, Food and Rural Affairs, which provoked the foot and mouth crisis that caused such a problem? Interestingly, in comparison with Scotland, where farmers have been compensated for collateral damage, English farmers have been left to shoulder the entire responsibility for losses on their own.

Jonathan Shaw: We know that prices for livestock have fallen. That is partly to do with the considerable increase in the price of feed, and the prices have not worked their way through the system. We are aware of that, but the situation is not DEFRA's fault, as the hon. Gentleman suggests. Feed prices have gone up across the world; all member states are concerned about those increases, and they are impacting on livestock farmers.

Mr. David Drew (Stroud) (Lab/Co-op): I hear what my hon. Friend says, but is he surprised, as I am, at how few suppliers have chosen to give evidence to the Competition Commission inquiry? Does he have a theory as to why so few have given evidence, and how might he encourage them to give evidence to that important inquiry?

Jonathan Shaw: My noble Friend Lord Rooker has submitted evidence to the Competition Commission. He was concerned about the power of supermarkets to force prices down, about the viability of wholesale distribution and its effect on independent stores, and about the effectiveness of the code of practice. We have put forward those points for the Competition Commission to consider. It is at liberty to conduct the inquiry as it sees fit, and I am sure that it has heard my hon. Friend's comments.

Mr. David Curry (Skipton and Ripon) (Con): The Minister is entirely right to want to keep the Government out of this matter. I can think of no bog in which one would descend more rapidly than that of trying to get price controls between farmers and supermarkets. Will he beware of sweeping generalisations, such as statements about how much it costs a farmer to produce a litre of milk? Given the huge variety in the prices the farmers receive, depending on their circumstances, would he note that dedicated supply chains are being put together by supermarkets, which will integrate the chain much more effectively? Will the Government confine themselves to encouraging all sides of the supply industry to co-operate more closely so that it can deliver what the consumer wants at a price the producer can afford, and so that supermarkets can make a reasonable return?

Jonathan Shaw: I could not disagree with anything the right hon. Gentleman said.

Mr. David Kidney (Stafford) (Lab): There is a law in other countries to ban retailers from selling products at a price below the cost to them. That issue has been raised most recently in this House in relation to cheap alcohol, but it applies equally to direct farm produce such as milk. Will my hon. Friend at least consider such a change to the law on prices to prevent predatory pricing practices?

Jonathan Shaw: As I said in an earlier response, the Government do not intend to get involved in price control.

Tim Farron (Westmorland and Lonsdale) (LD): Consumers visiting their local shop or supermarket who wish to shop ethically, on environmental or animal welfare grounds, or simply because they want to back British farmers, will want to buy British. Is the Minister aware that it is currently entirely permissible for animal carcases to be imported into this country, processed and then packaged as British. Does he agree that that is an outrageous deception, and will he take steps to ensure that the only meat that can be packaged and presented in this country as British comes from British animals?

Jonathan Shaw: There is a European Union ruling that makes what the hon. Gentleman suggests impossible, but increasingly we see packaging that promotes local produce. The situation is changing, and people are looking to see where food is grown, where it is reared and, more specifically, which of the different counties of our country it comes from. When I was in the hon. Gentleman's constituency last year, I went to the food hall, which was full of businesses from his community providing fantastic produce, which all came from Cumbria. On talking to those businesses, I heard that they were finding access to markets. The Competition Commission has not found any impediment preventing local producers from accessing markets. The message from this House to the consumer must be, "Be discerning. Buy local and buy British."

Mr. Lindsay Hoyle (Chorley) (Lab): I am sure that the Minister is aware that there is a double rip-off in that not only the farmers but the consumers—the

families who buy the milk—are being ripped off by the supermarkets. What can we do to stop that double rip-off? Farm-gate prices are not fair and families pay too much.

Jonathan Shaw: In response to several hon. Members, I referred to the undesirability of the Government getting involved in price controls. We are not going to do that. However, the Competition Commission is thoroughly examining the matter and a range of issues to do with the relationship between farmers and supermarkets. We expect its report to be published in the early part of this year. If it makes recommendations to the Government, we will, of course, consider them and follow them up.

Cetaceans

5. **Andrew George** (St. Ives) (LD): What recent assessment he has made of the viability of cetacean populations in UK waters. [178859]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jonathan Shaw): During 2007, all species of cetaceans in UK waters underwent an assessment of their favourable conservation status under article 17 of the habitats directive. We plan to publish the findings soon. The latest EU-funded studies of cetacean populations show that levels have remained steady in UK waters over the past decade.

Andrew George: Although I am grateful for that reply, the Under-Secretary will be aware of the growing concern about the health of cetacean populations, especially on the Cornish and south-west coast, and particularly that of the inshore bottle-nosed dolphin population, which the Cornwall Wildlife Trust recently estimated to have fallen to seven. What contribution is the Department making to understanding better the health and the cause of the decline of those stocks?

Jonathan Shaw: We spent around £1.6 million between 2000 and 2005 on research on cetaceans and especially on by-catch. We are expecting research from the sea mammal unit at St. Andrews university to provide information about the effectiveness of attaching pingers to fishing vessels. We expect the results of that research by April, and we will consider it and look to working in partnership with the fishing industry to ascertain whether pingers can be introduced effectively.

I know that the hon. Gentleman feels passionately about the issue, as do many hon. Members. We are investing, and we want to ensure that we keep by-catches and all fatalities of these beautiful creatures to an absolute minimum. I will ensure that he is updated as we receive the results of the research and move forward on dealing with the matter.

Bill Wiggin (Leominster) (Con): Dolphins are beautiful, intelligent and wonderful creatures. Why should they be threatened by DEFRA's systemic incompetence? Bottle-nosed dolphins in the Moray firth are threatened by oil spill and seismic testing. Pingers on gill nets either do not work or are not being used. Pair trawling drowns and smashes more dolphins than any other method of fishing and it is carried out only 6 nautical miles from our coast by French boats with historical rights. There is further rumour of a delay to the marine Bill.

DEFRA's record on whales is even worse. It issued its much publicised recruiting document to 57 countries, 42 of which were already members of the International Whaling Commission. That is why the Department had to do it again this year. Surely that is incompetence. Is it not the case that everyone wants to save dolphins and whales except the Government?

Jonathan Shaw: We banned pair trawling in the western channel. We do not have the ability to ban French vessels—*[Interruption.]* In case the hon. Gentleman does not know, we are in the common fisheries policy, to which the Conservative Government signed up. We presented our argument in Europe and we took unilateral action to ban pair trawling—that constitutes taking an effective measure. We argued our case and we were unable to persuade others, but we are taking action ourselves.

The sea mammal research unit at St. Andrews has advised us that there is no danger to bottle-nosed dolphins in the Moray firth from ship-to-ship oil transfer. *[Interruption.]* The hon. Gentleman says that I should have been here. I say that we must accept the advice of one of the most revered institutions in this country. If we are given contrary advice, we will, of course, act on it.

I regret the partisan position that the hon. Gentleman takes on whaling. When I met the Japanese deputy ambassador, I said that all hon. Members were united in their condemnation of Japan on whaling. Yet the hon. Gentleman tries to take a partisan position. He is isolated. I told the deputy ambassador that Conservative and Liberal Members shared our concern. Our record is one of the best in the world.

Bill Wiggin: It is appalling.

Jonathan Shaw: It is not appalling. We are one of the only countries to summon ambassadors to listen to our concerns. The International Fund for Animal Welfare—IFAW—and many other non-governmental organisations have congratulated the Government on our action.

Food Security (Climate Change)

6. **Tony Lloyd** (Manchester, Central) (Lab): What assessment he has made of the risk posed to the UK food supply by climate change. [178860]

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): DEFRA'S 2006 assessment of food security highlighted climate change as one of the many factors that may affect the UK's food supply. What matters to the safeguarding of our food supply is a strong farming industry, energy security, access to food from a variety of sources, a strong food chain and infrastructure, and having the capacity and contingency planning to deal with specific risks.

Tony Lloyd: My right hon. Friend makes at least part of the point that, historically, the UK has often simply equated food security with market mechanisms. We know, however, that those market mechanisms are under pressure, partly because of the growth in demand from countries such as India and China and the growth in demand for biofuels. Climate change

could, of course, destroy the whole supply chain. In that context, is my right hon. Friend confident that we have the forward planning to provide sufficient agricultural land and the necessary diverse and adaptable skills in the agricultural population to ensure that we can guarantee food security in the future?

Hilary Benn: My hon. Friend raises a really important point about the impact of the changing climate on the farming industry. First, on our capacity as a world to feed ourselves, the Food and Agriculture Organisation has said that world food production is still rising more quickly than the global population. There will, however, be between 9 billion and 9.5 billion of us on this planet by 2050, compared with 6.2 billion now.

Secondly, although the UK's self-sufficiency has declined a bit in recent years, it is still higher than it was in the 1930s, before the second world war, and higher than it was after the second world war.

Thirdly, a change in climate might mean that some crops that are currently grown will be more difficult to grow, but it could also open up new possibilities. One of the practical steps that we are taking is to fund research at the Agriculture Development Advisory Service and at Warwick into the potential impact of more extreme weather events on the farming community. The truth is that this is an issue for all of us to think about. We need to try to anticipate what might be coming, so that the farming industry will be able to respond.

Sir Nicholas Winterton (Macclesfield) (Con): Does the Secretary of State accept that the UK livestock industry makes a huge contribution to not only the quality but the security of the food supply in this country? It is also true that cattle are a major generator of methane gas. Is it not important, however, to keep this matter in balance, and to say to anyone who criticises the farming industry that the value of the livestock industry far outweighs any contribution that it might make to climate change?

Hilary Benn: I am happy to say to the hon. Gentleman that I agree with him, with one proviso. The livestock industry does all the things that he has described, as well as contributing to our landscape, as has been said. We are strong supporters of the industry and we want it to thrive. Like all parts of the economy, however, it is going to have to make a contribution to the fight against climate change. I am glad to be able to say that emissions of methane have declined, largely as a result of reducing livestock numbers, but that will remain an issue because all parts of the economy, including farming, are going to have to make a contribution. That is why I welcome the work that the Farming Futures Project is doing, and the response of the National Farmers Union and others in acknowledging that climate change is an issue for farming, just as it is for the rest of us.

Badgers

7. **Dr. Nick Palmer** (Broxtowe) (Lab): What representations he has received on the former chief scientist's views on badger culling; and if he will make a statement. [178862]

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): I have received various representations on the former chief scientific adviser's views on whether badger culling should form part of the bovine TB control strategy. Those have come in the form of questions from hon. Members and a lot of correspondence from concerned organisations and members of the public.

Dr. Palmer: Does my right hon. Friend accept that the findings of the Independent Scientific Group on Cattle TB, which were developed over such a long period and at such considerable expense, should not be cast aside in favour of the views of an individual scientist, backed by hon. Members whose solution to animal welfare issues is "If in doubt, kill something"?

Hilary Benn: I say to my hon. Friend and the House that, as we know, this is an exceptionally difficult issue. If it were not exceptionally difficult, we would have found a way of resolving it already. Secondly, I met Sir John Bourn just before Christmas and I am in the process of having a series of meetings with all those who have an interest in this matter, as I told the House I would.

The advice in the ISG report is very clear. The conclusion was that the group did not think that culling could meaningfully contribute to the control of TB. We have all seen what the former chief scientific adviser had to say about that. For me, the issues on which I have to make a decision—and I will—are these: what does the science say; what is the practicality of any course of action; and, I have to say, what is the public acceptability of any course of action. The truth is that the person who holds my office must weigh those three issues in the balance in trying to help the industry and the livestock sector, which is finding it very difficult to deal with. I do not for one second deny the problems faced by the industry. It is a tough issue; I will reach a decision, but in doing that I am going to listen to all the views expressed.

Mr. Michael Jack (Fylde) (Con): The Secretary of State will be aware that the Independent Scientific Group put great store by cattle testing and the use of the gamma interferon test. He will also be aware that there is considerable concern in farming circles that that test is now showing a much higher incidence of bovine TB in comparison with the skin test. What steps will he take to resolve that position, particularly taking into account the effect that a higher incidence of the disease could have on his Department's budget?

Hilary Benn: We are using both those approaches. The right hon. Gentleman, who is expert in these matters, is correct in saying that the gamma interferon test produces more positive results. My view is that we should use all the scientific tools at our disposal to try to identify the nature of the problem. I think I am right in saying that there are a couple of potential court cases relating to use of the gamma interferon test, which will be a matter for the courts to resolve. Both tests demonstrate that there is a problem and we have to deal with it. The question is finding the solution that is going to work. A number of different proposals have been made and I look forward with great interest to what the Environment, Food and Rural Affairs

Committee, which the right hon. Gentleman so ably chairs, has to say when it produces its report.

Mr. Colin Breed (South-East Cornwall) (LD): I am sure that the Minister recognises the sense of utter despair and anger in the south-west among farmers who over the past 10 years have seen delay after delay at the same time as the slaughter of tens of thousands of their animals. At that rate of progress, we are soon going to see more badgers in the south-west than farm animals. When are the Government going to take some positive decision?

Hilary Benn: As I said in answer to the earlier question, I am going to reach a decision, but as I told the House I am in the process of meeting all the organisations, which have very strong views on this subject. I absolutely recognise the hon. Gentleman's point about the difficulties that those farmers face, but, with respect, we have to find a solution that is in line with what the science tells us. We have had a 10-year study and we have seen what the report said and the view expressed in it. I do have regard to the science. We have to find a solution that is practical and we also have to weigh the factor of public acceptability in reaching the decision. People have very strong views on both sides of the argument. It is not easy, which is one of the reasons why it has taken so long to come to a decision, but I assure the hon. Gentleman that I will do so.

Mr. Ian Cawsey (Brigg and Goole) (Lab): The views of the former chief scientist are a matter of public record, but will my right hon. Friend share with the House the views of the current chief scientist?

Hilary Benn: I have the pleasure of meeting the new chief scientific adviser later on today; no doubt this issue will be one of a number that we will discuss.

Mr. James Paice (South-East Cambridgeshire) (Con): The issue of the use of gamma interferon goes further than the Secretary of State suggests. The gamma interferon test has a sensitivity of about 97 per cent., yet we have found that in some herds up to 28 times the number of cattle are reacting to it as to the skin test. His officials are flatly refusing farmers the opportunity of re-testing and insisting on culling all those animals. That is the reason for the court hearings to which he referred.

Why will the Secretary of State not instruct his officials to allow a re-test, on the understanding that everybody accepts the outcome? All the evidence is that those results are statistically invalid. He should speak to experts: they are all saying that we could not get such a difference in sensitivity between the two tests. Something is wrong somewhere, and putting farmers to the expense of going to court—risking the Secretary of State's money on extra compensatory costs, as well as defending the case—is helping nobody at all.

Hilary Benn: I have great respect for the hon. Gentleman, but I do not quite agree with the analysis that he has put forward. I repeat what I said a moment ago: we should use all the means that we have to try to achieve identification. I understand the strength of feeling in some cases about the impact of this, but if we have an additional test that gives us information about the incidence of bovine TB, it is pretty hard—looking at it from the other point of view—to say that we will not use it. Those tests have different sensitivities, but the question is whether it is right to use both. My view is that it is, but if the matter goes to the courts, they will decide whether the approach that we are taking is reasonable.

Flood Defences

8. **Mr. Brian Jenkins** (Tamworth) (Lab): What recent progress has been made on improving flood defences. [178863]

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): We are improving protection from river and sea flooding and coastal erosion, and are on course to achieving protection for more than 180,000 households since 2003.

Mr. Jenkins: I welcome my right hon. Friend's answer. He will realise, or perhaps I can inform him, that at Fazeley the flooding bank was raised back to design level after flooding. At Elford, a new pump was put in to replace the defunct one after flooding. We await the Tame valley study, as part of the Greater Humber strategy, to see how many other weak points we have. Will he give us an assurance that there will be no redundancies or staff lay-offs and no reduction in the Environment Agency until that work is completed? Will he write to me with a date when we can expect the Tame valley study to be complete?

Hilary Benn: I will happily write to my hon. Friend about the River Tame study, because it will look at whether the design levels—for the Tamworth and the Fazeley defences—are still appropriate, and if not what possible solutions can be undertaken. On the resources available to the Environment Agency to work on flood defences, as he will know, the budget has doubled in the past 10 years from £300 million to £600 million a year, and it will increase further. That means that the agency will have more money to spend on more flood defence works.

Topical Questions

T1. [178845] **Mr. Laurence Robertson** (Tewkesbury) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): The Department's responsibility is to help to enable us all to live within our environmental means. May I take this opportunity to report to the House the fact that Adair Turner has been appointed chair of the new Committee on Climate Change? As the House will know, the committee will play a vital role in helping us to move to a low-carbon economy, and I look forward to working with Lord Turner and the other members of the committee in helping to make that happen.

Mr. Robertson: For Environment Agency purposes, my constituency of Tewkesbury falls within the midlands. I was rather disturbed to see that the Government's flood defence grant in aid to the Environment Agency for the midlands is being reduced from £51.4 million last year to £45.5 million this year, and to £40 million

next year. Can the Secretary of State give an explanation for that? The midlands is a large area, and he has been kind enough to visit Tewkesbury to see the devastation there, so can he guarantee that our flood defences will not suffer because of that budget change?

Hilary Benn: I know how much the hon. Gentleman's constituents have been affected. Although the flooding in Tewkesbury was mercifully not as bad as it was last summer, we were all waiting with bated breath to see what happened.

The main point about investment in flood defence and regional figures is that the figures may go up or down from year to year depending on the nature of the projects being funded. When a big capital investment project in a region in one year is finished and the money has been spent, the figure in the following year may not be as large. The trend line is clear, however. It is not possible to increase the budget, as we have, from £300 million to £600 million over a decade, and to be committed to increasing it to £800 million by 2010-11, without the trend line rising. There will be such ebbs and flows, but the overall trend is up, which means—as I said a moment ago—that we will be able to fund the additional flood defence works that we all want.

T2. [178846] **Mr. Mark Todd** (South Derbyshire) (Lab): The Trent, Dove and Derwent rivers all cross parts of my constituency, and every time the waters rise villages along their banks look on with anxiety. What are the prospects of further investment to meet some of their needs? I am thinking particularly of communities in villages such as Hatton—which has benefited from spending of some substance so far—and Scropton, Egginton, Willington and Ambaston. All those villages are threatened by flooding, and experienced it in 2000.

Hilary Benn: The catchment flood management plan for the Trent has identified a low-to-medium risk of flooding in the lower River Dove catchment area, which includes Hatton, Scropton and Egginton. In response to that, the planners will think about what flood risk management measures will be possible over the next three years. They will deliver a plan for the lower Dove area specifically, to establish first what is technically possible and secondly what is best in economic terms, while recognising that ultimately the Environment Agency must prioritise the increasing amounts of money that we are providing in order to deliver the maximum possible protection.

Mr. Peter Ainsworth (East Surrey) (Con): According to information published by the National Audit Office this week, the estimated cost to all of us, as taxpayers, of cleaning up Britain's existing nuclear waste has risen by 18 per cent. over the past two years, to a staggering £73 billion. Is the Secretary of State satisfied that the body responsible for decommissioning, which has had no chairman since the middle of last year and which last week lost a senior director, is fit for purpose? Does he not agree that whatever the low-carbon merits of nuclear—and goodness me, we need low-carbon technologies: the carbon figures announced by the Department today are depressing—going ahead with nuclear new build without having sorted out the toxic legacy of the past would be irresponsible?

Hilary Benn: I do not agree with the hon. Gentleman about the decommissioning authority. It has a very important task, and I have confidence in the work that it is doing. As for nuclear, the choice is very plain. A number of people's views on nuclear have changed because of the threat of climate change. The one thing that is absolutely clear about it is that it is a low-carbon technology, producing—I speak from memory—7 g to 22 g of carbon per kWh. Gas produces about 380 g per kWh, and coal about 755 g. There really is no contest. Waste is an issue, but, as the hon. Gentleman will know, we must deal with the legacy of waste from our existing nuclear programme anyway. It will be added to if new nuclear power stations are built in line with the policy that the Government have set out.

Mr. Speaker: Does the hon. Member for East Surrey (Mr. Ainsworth) not want to ask another question?

Mr. Ainsworth: Thank you very much, Mr. Speaker. I was going to change the subject to Natural England, which was established less than 18 months ago to be

"a powerful new champion of nature".

Will the Secretary of State confirm that the Department is seeking cuts of more than 15 per cent. in its core budget? That will create huge problems for partner organisations such as the Royal Society for the Protection of Birds, Wildlife International and the Wildlife Trust. Those bodies have no idea what key projects they will still be able to work on after the end of March. How will this shambolic situation help the Government to fulfil their commitment to halting and reversing biodiversity loss by 2010? How confident is the Secretary of State that that promise will be kept?

Hilary Benn: This week I met the chair and chief executive of Natural England to review the organisation's performance since its establishment. As I told them, I think they have done a pretty darn good job. There has, for example, been real progress in getting sites of special scientific interest into the right condition, which is one of the targets that we set. I applaud the work done by Natural England, which has proved itself to be a powerful advocate of the cause of biodiversity and the natural environment.

On funding, we will make announcements about the budget in due course. The budget is tight because, although there is growth, a lot of that will go on increased investment in flood defences, so difficult decisions will have to be taken. When I have taken them, I will announce them.

T3. [178847] **Mark Lazarowicz** (Edinburgh, North and Leith) (Lab/Co-op): Elsewhere in Parliament, the Department has an exhibition about the excellent work it is doing to promote public awareness of climate change. Why, however, are some of the Department's programmes promoting awareness restricted to England, or England and Wales? I urge my right hon. Friend and his colleagues to ensure that they apply throughout the UK, where appropriate—and, obviously, in association with the relevant devolved Administrations.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Joan Ruddock): I am grateful to my hon. Friend, not least for the

advertisement for the "act on CO_2 calculator", which is available in Portcullis House until 5 o'clock today for Members to test their carbon footprints.

As for making such material available, on the internet it is accessible to everybody. Therefore, constituents in Scotland will have had the opportunity to access it, and all Members could publicise it. Also, there is press advertising, which is of course seen in the devolved Administration areas. We have spoken to our colleagues in the devolved Administrations. This material is extremely important, as more than 40 per cent. of our emissions are down to our individual actions, and we have suggested that it may be made available for public engagement in the devolved areas. If the devolved Administrations are willing to contribute to, and participate in, these schemes, we would be delighted to co-operate with them and make our expertise available.

Steve Webb (Northavon) (LD): In the light of the latest scientific evidence on the speed of climate change, what is Ministers' latest assessment of the adequacy, or otherwise, of a 60 per cent. CO_2 reduction target?

Hilary Benn: The hon. Gentleman will have seen the speech that the Prime Minister made in November. The target of at least 60 per cent. was set in the light of royal commission advice, but the Prime Minister has acknowledged, as we all do, that the science is evolving—we read the reports—and that is why he said that it is now felt that the reduction might need to be increased to 80 per cent. That is also why we will ask the Committee on Climate Change, as one of its first tasks under its new chair, to advise on what the 2050 figure should be. On a point that relates to several issues to do with the Climate Change Bill, having established this important, authoritative and influential body, we should let it do its job and give us the advice, so that the Government can then take the final decision on what to do.

T8. [178853] **Alun Michael** (Cardiff, South and Penarth) (Lab/Co-op): My right hon. Friend the Secretary of State might be interested to know that I spent last Saturday at an event in Cardiff on giving opportunities to the public to participate in discussion about the idea of a carbon trading allowance, and on seeing what contribution that that could make, as an alternative to measures such as taxation, to encourage individual responsibility in reducing people's carbon footprint. Does the Department welcome that approach by the RSA—the Royal Society for the Encouragement of Arts, Manufactures and Commerce—and also by the Co-operative party, to encourage individuals to engage in the idea of creating carbon-neutral communities?

Joan Ruddock: My right hon. Friend raises a good point. The RSA is a valuable body in this respect and it is involved in work on personal carbon trading allowances. The Department is keen to receive the results of the RSA's work, and we are pioneering work to see whether there is cost-benefit in having personal carbon trading allowances and whether there would be public acceptability. This is all in its early stages, but in addition we are providing £8.5 million-worth of grants to local communities, and 83 community projects have been established, which are very much in line with what the RSA and the Co-operative party have advocated: that we should enable communities to take action to reduce emissions at community level.

T4. [178848] **John Barrett** (Edinburgh, West) (LD): I hear what the Secretary of State says about increased resources to combat flooding. Given that flooding will be a more and more pressing issue in the years to come, what reassurance can he give my constituents in Murrayfield, the home of Scottish rugby, who have been regularly blighted by flooding in recent years, that the resources allocated on a UK basis will be spent north of the border on such projects, so that Murrayfield is not flooded on Sunday when the French visit?

Hilary Benn: I wish the team every success in the match on Sunday. All Members of the House want to ensure that the increased investment in flood and flood defence is used as effectively as possible to provide the best protection possible. That puts a responsibility on those spending the money to use it as wisely and effectively as possible, so that protection is provided in recognition of the rising risk. The hon. Gentleman touches on a good example.

T5. [178849] **Mr. David Heathcoat-Amory** (Wells) (Con): What is the Department doing to counter light pollution? If one flies over southern England at night, one finds the place ablaze with unnecessary lighting, which is not only very wasteful but prevents people from seeing properly dark skies. I say that as chairman of the all-party group on astronomy. What are Ministers doing to counter the threat—and, indeed the reality—of light pollution, because, after all, the skies are the largest part of the environment, for which the Department is responsible?

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jonathan Shaw): I am grateful for that question, and the right hon. Gentleman is right to raise it. On the one hand our constituents write to us saying that more street lights are needed in a particular area because they are concerned about antisocial behaviour and so on, but on the other hand, as he points out, we want to see clear skies. Thus, this is about the getting the balance right. If we can reduce the amount of light pollution, that will be good not only for astronomers but in terms of climate change.

T6. [178850] **Mr. David Amess** (Southend, West) (Con): My mother will be a beneficiary of the splendid idea to award medals for Land Army girls. Now that the forms have been issued, will the Minister or the Secretary of State share with the House how vigorously the information will be interpreted, given that these ladies are of mature years and their sight, hearing and memory are not exactly what they were 60 years ago?

Hilary Benn: I am delighted to hear that the hon. Gentleman's mother will be one of the recipients of the badge. May I say that all of us, as Members of the House, have a part to play in ensuring that the information gets out? Here is a little advert: 08459 33 55 77 is the phone number people should call to get an application form—they can also get one from the

website. I absolutely take the point that he raises, because I want to get the badge to all the surviving members of the women's Land Army, who did so much for the country. They fought in the fields and in the forests to ensure that we were capable of winning the war. We owe them a big debt of gratitude, and the badge will be a sign of a grateful nation.

T7. [178852] **Mr. Michael Jack** (Fylde) (Con): Will the Secretary of State tell us what steps the Government will take to make a vaccine against bluetongue available for this year?

Hilary Benn: I can gladly tell the right hon. Gentleman that we have placed an order for 22.5 million such doses—indeed, we were the first of the northern European countries to place an order. We are working closely with the industry. I met the industry representatives last week to talk about preparations for the vaccination programme. Obviously, we are keen to get that going as soon as the vaccine is delivered by the company with which we have contracted, because, as he will know only too well, this is the way out of the problems that the industry is facing because of bluetongue's arrival.

Speaker's Statement

Mr. Speaker: Order. Before we come to business questions and the subsequent motion relating to the fourth report of the Committee on Standards and Privileges, I should inform the House that, on the broader subject of Members' allowances, in anticipation of the decision of the House on 24 January to refer that matter to the Members Estimate Committee, and as Chairman of that Committee, on 22 January I summoned a meeting for Monday 4 February.

Business of the House

11.34 am

Mrs. Theresa May (Maidenhead) (Con): May I ask the Leader of the House to give us the forthcoming business?

The Leader of the House of Commons (Ms Harriet Harman): The provisional business for the week commencing 4 February will be:

MONDAY 4 FEBRUARY—Motions relating to the police grant and local government finance reports.

TUESDAY 5 FEBRUARY—Debate on the treaty of Lisbon provisions relating to human rights, followed by continuation of consideration in Committee of the European Union (Amendment) Bill [3rd Allotted Day]—Any selected amendments to clause 2 relating to human rights. Followed by motion to approve a local government restructuring order relating to Wiltshire.

WEDNESDAY 6 FEBRUARY—Debate on the treaty of Lisbon provisions relating to the Single Market. Followed by continuation of consideration in Committee of the European Union (Amendment) Bill [4th Allotted Day]—any selected amendments to clause 2 relating to the single market.

THURSDAY 7 FEBRUARY—Topical debate. Subject to be announced, followed by motions relating to European scrutiny reform.

The provisional business for the week commencing 18 February will include:

MONDAY 18 FEBRUARY—Remaining stages of the Health and Social Care Bill.

TUESDAY 19 FEBRUARY—Debate on the treaty of Lisbon provisions relating to foreign, security and defence policy. Followed by continuation of consideration in Committee of the European Union (Amendment) Bill [5th allotted day]—any selected amendments to clause 2 relating to foreign, security and defence policy. Followed by motion to approve a local government restructuring order relating to Shropshire.

WEDNESDAY 20 FEBRUARY—Debate on the treaty of Lisbon provisions relating to international development. Followed by continuation of consideration in Committee of the European Union (Amendment) Bill [6th allotted day]—any selected amendments to clause 2 relating to international development.

THURSDAY 21 FEBRUARY—Topical debate: subject to be announced. Followed by motion to approve a statutory instrument on control orders. Followed by motions relating to the draft Social Security Benefits Up-Rating Order 2008 and the draft Guaranteed Minimum Pensions Increase Order 2008.

FRIDAY 22 FEBRUARY—Private Members' Bills.

I should also like to inform the House that the business in Westminster Hall for February will be:

THURSDAY 7 FEBRUARY—A debate on the report from the Transport Committee on novice drivers.

THURSDAY 21 FEBRUARY—A debate on the report from the Health Committee on the electronic patient record.

[Ms Harriet Harman]

THURSDAY 28 FEBRUARY—A debate on the report from the Communities and Local Government Committee on refuse collection.

Today, my right hon. Friend the Chancellor of the Exchequer announced that the next Budget will be on 12 March.

On behalf of the whole House, I wish to extend my warmest congratulations to Jill Pay on her appointment as the new Serjeant at Arms. Our men in tights are now to be led by a woman in tights.

Mrs. May: I thank the Leader of the House for giving us the forthcoming business. I join her in welcoming the new Serjeant at Arms and congratulating her on her appointment.

For the past five years, the long-term public finance report has been published in November or December. With February upon us, the 2007 report has still not been published. Given that it is expected to show that for the first time total public sector pension liabilities are more than £1 trillion, will the Leader of the House tell us why this report has been delayed and when it will be published?

On Tuesday, we learned that more than 10,000 nurses and midwives left the NHS last year to work abroad. The Royal College of Nursing warns that we face a staffing crisis. May I suggest NHS staffing for a future topical debate?

Last week, the Prime Minister said that he was accompanied on his trip to China and India by

"British business men and women" [*Official Report*, 23 January 2008; Vol. 470, c. 1491.]

But no business women went on that trip. May we have a statement explaining why the clunking fist did not take any business women with him?

May we have a debate, in Government time, on the Defence Committee's latest annual report? It criticised the Ministry of Defence for failing to give our servicemen and women proper breaks between operational duties in Iraq and Afghanistan and warned that as a result growing numbers of people are leaving our armed forces. So we have a lack of training, inadequate housing and a part-time Defence Secretary. When will the Government honour the military covenant and treat our troops with the respect they deserve?

Ten years after the Government made a manifesto promise to get rid of mixed-sex wards, the Health Minister, Lord Darzi, has admitted that that aspiration cannot be met. Will the Secretary of State for Health make a statement to the House on the failure of that key Government policy?

Last year, the Justice Minister claimed that community punishments were a tough and demanding alternative to prison. A new report from the National Audit Office found that offenders are getting away with failing to turn up for community punishments if they oversleep or if they produce their own sick note. It is a complete farce, so may we have a debate on the Government's community punishment scheme?

This week, the Minister for Schools and Learners ordered local councils not to close village schools, but just last month the Government issued guidance to councils ordering them to shut schools with empty desks. Will the Secretary of State for Children, Schools and Families make a statement to clarify the Government's policy on village schools?

Last January, the Prime Minister launched a campaign to highlight Britishness. We now know that at the same time he decided to remove the image of Britannia from the 50p piece. It will be the first time in 300 years that Britannia has not featured on any British coin. Will the Prime Minister make a statement on how removing a historic British symbol fits into his Britishness campaign?

Those are all examples of a Government who start by saying one thing and end up doing another. Does that not show that we have a country that is drifting under a Government who lack direction and a Prime Minister who simply cannot get a grip?

Ms Harman: The right hon. Lady mentioned pension liabilities, but failed to make a point about pension fund assets. The most important issue for pension funds is the strength of the economy. That is why sustained low inflation, low interest rates and growth in the economy are the most important issues for pensions in the future.

I take it that the right hon. Lady has made a representation for a topical debate on midwives and NHS staffing. She will know that the issue was debated in Westminster Hall yesterday, and she will bear it in mind that, because of increasing investment in the health service and the increasing recruitment of midwives, more midwives are going into training than ever before. Those measures are part of our determination to increase the quality of maternity services.

The right hon. Lady mentioned business men and women. She is right, of course, that we need to do everything we can to encourage more women in commerce. Further work is coming out of the Department for Business, Enterprise and Regulatory Reform to support women. If we compare our economy with the American economy, we see that our competitiveness gap is accounted for by the fact that we have fewer women who start and run their own businesses. We must make progress on that, but I find it a bit much that the shadow Leader of the House—one of only 17 Tory women Members of Parliament who have never done anything to champion women's rights—should try to tell us what to do, when we have championed women's rights over the years.

The right hon. Lady mentioned the Defence Committee. Training is not inadequate. The housing provided for our armed forces certainly needs to be improved, and we have made progress in that respect against the background of the spending cuts made by the previous Administration.

The question of mixed-sex wards is always a matter of concern. The shadow Leader of the House will know that the amount of single-sex accommodation provided has increased, which has ensured that all patients have access to single-sex toilet and bathroom facilities.

The right hon. Lady mentioned the NAO report on community sentences. The Government welcome the report's findings, which show that there has been more enforcement when people breach community sentences,

and that more community sentences and drug and alcohol rehabilitation courses are being completed than previously. All that is to be welcomed, and I congratulate probation services on their important work in ensuring that strict community sentences are properly enforced. People who serve such sentences are much less likely to reoffend than those who go to prison.

The right hon. Lady asked about primary schools in rural areas, and she also mentioned secondary schools. She will know—

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): She did not say anything about secondary schools.

Ms Harman: In that case, I shall respond to her question about primary schools in rural areas. She will know that my hon. Friend the Minister for Schools and Learners wrote to remind local authorities of the importance of not closing such schools. She might also remember that rural primary schools were closing at the rate of 30 a year when the previous Conservative Government were in power. Under this Government, however, and under the guidance that my hon. Friend has reminded educational authorities about, they have been closing at an average of only seven a year.

Ms Dawn Butler (Brent, South) (Lab): Yesterday, the Leader of the Opposition referred to abolishing the stop and search account form. In the area for which I am Member of Parliament, my constituents and I are eight times more likely to be stopped and searched by the police than is the case elsewhere, and the right hon. Gentleman's proposal worries me greatly. Does my right hon. and learned Friend agree that the only way to get more police on the beat is by investing more money in the Metropolitan police, not less?

Ms Harman: My hon. Friend makes a very important point. We need to make sure that the police have the power to stop and search so that people on the streets of London and our other towns and cities can be kept safe. However, we must also make absolutely certain that we have the right accountability so that we can be sure that the police act fairly, as both we and they intend. She is right to remind the House that the police are able to carry out their work because of the extra investment that has been made to increase their numbers and pay. Those who would prefer the Metropolitan police budget to be cut, as the hon. Member for Henley (Mr. Johnson) does, would put all of that at risk.

Simon Hughes (North Southwark and Bermondsey) (LD): First, may I, on behalf of my party, join in the warm welcome that has been extended to Mrs. Pay on her deserved appointment as the new Serjeant at Arms?

I welcome the Leader of the House's announcement that there will be separate debates next Monday on the police and local government settlements, and that there will also be separate debates, next Tuesday and a fortnight later, on the local government settlements for Wiltshire and Shropshire. Will she confirm that each of the proposed structural changes in the counties of Cornwall, Northumberland and Durham will be the subject of separate debates? I gather that the relevant orders will be considered upstairs in Committee, but I hope that we can have a full debate on each.

This week, the House has been debating the Lisbon treaty and the European Union (Amendment) Bill, and more debates will take place in the next few weeks. Whatever view we take on those subjects, we have learned from experience that the House does not have a proper procedure for dealing with and scrutinising treaties. Will the Leader of the House undertake to talk to colleagues and come back as soon as possible with some proposals for a better mechanism for looking at any treaties that the Government are considering entering into? By definition, it is too late by the time a treaty is signed to do anything about it and, as a result, the House's only option is to take it or leave it.

A few weeks ago, the Leader of the House kindly said that she would consider the suggestion that, as well as the Welsh day debate in March, which is now well established, and the debate on women's issues, which is well established and coincides approximately with international women's day, we have a debate on the role of the Commonwealth and Commonwealth priorities to coincide with Commonwealth day in March. I should be grateful if she confirmed, before the House breaks for half-term, that that will be possible. I am sure that it would be welcomed, not least given events in places such as Kenya.

Yesterday, the report of Her Majesty's inspectorate of prisons was published. It contained a horrifying statistic—a 40 per cent. increase in suicides in prisons—and criticised much of current policy. I am sure that hon. Members on both sides of the House would greatly support an early debate on the report to help the Government to get the policy right, rather than set out on a policy and then be told by an inspector that it is not doing what it should do.

Two days ago, a report by an assiduous and esteemed national newspaper journalist stated that there will soon be a White Paper on proposed changes to Law Officers' functions and the inter-relationship of Law Officers and the Director of Public Prosecutions. That is a highly controversial and important matter, not least as evidenced by the previous Attorney-General agreeing to the discontinuance of proceedings against BAE. Will the Leader of the House undertake that we will have an early opportunity to debate that and that there will not be further leaks of what the White Paper might say before it is published?

Ms Harman: The way in which the House deals with the important issue of local government restructuring orders takes account of the approach taken by the Joint Committee on Statutory Instruments. The hon. Gentleman will know that we are taking on the Floor of the House next week and the week after the House returns from the recess two issues in relation to two counties.

On the procedure for dealing with treaties, we have a Bill that enacts a treaty and we have sought with the latest Bill to give as much time as possible to deal—[HON. MEMBERS: "Not enough."] Hon. Members say, "Not enough", but we have afforded the Committee stage of that Bill more days of debate than were afforded to the Nice treaty, the Amsterdam treaty and the European—*[Interruption.]*

Mr. Speaker: Order. Let the Leader of the House speak. That is the best thing to do. The Leader of the House cannot speak if the right hon. Member for Hitchin and Harpenden (Mr. Lilley) interrupts her.

Ms Harman: We have afforded this House more days of debate in Committee on that Bill than were afforded the Nice treaty, the Amsterdam treaty and the Single European Act put together. We have given many days of debate on that.

The hon. Gentleman mentioned Welsh day and international women's day and asked about Commonwealth day. I shall consider whether that matter should be the subject of a topical debate.

The hon. Gentleman mentioned the worrying issue of suicide in prisons. I recognise that that concern is shared by hon. Members on both sides of the House. I notice that there are, on motions for the Adjournment of the House, debates next Monday on an inspectorate of prisons report and next Thursday on suicide prevention strategies. The House seeks to debate that matter regularly.

The hon. Gentleman asked about the functions of the Law Officers. He will remember that, in his statement on the governance of Britain, the Prime Minister undertook to consider reform of the Law Officers' functions. There has been a discussion and consultation, and when proposals are made on that important issue they will be brought before the House.

Geraldine Smith (Morecambe and Lunesdale) (Lab): The Leader of the House will be aware that there have been many debates on the Post Office in recent times, but I am particularly concerned about the recent Post Office consultation on the closures. I would like a debate on that, or at least I would like her to pass my concerns on to the relevant Minister. I received a letter from Richard Lynds, who is the network development manager for the Post Office. When I tried to contact him about the changes, I was given a call centre. No one knew who he was. When I contacted the chairman's office, I found that he had gone on holiday during the consultation period. It is not good enough. The nearest post office to Nether Kellet, one of the post offices in my constituency, is two miles away. It is on a road where there is no footpath. Pensioners could not even walk to it. They would have to change buses to get there. This is really unacceptable.

Ms Harman: I shall raise my hon. Friend's account of the unsatisfactory way in which the consultation has operated in respect of a post office in her constituency with my right hon. Friend the Secretary of State for Business, Enterprise and Regulatory Reform. We must ensure that, if at any stage a Government Department or agency engages in consultation, it is genuine consultation; otherwise it is worse than simply taking the decision itself. The last thing people want is to be told that they are being consulted and then not be consulted at all.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): At the heart of the problems that we have experienced this week, which must not continue from now on, is the Government's savage guillotine of the Committee stage of the European treaty Bill. We have had only four hours of debate on the Committee stage to date. It is guillotined so savagely that the borders, visas, asylum and immigration parts of the home affairs provisions that the Government graciously gave to the House were not debated.

Ian Lucas (Wrexham) (Lab): The hon. Gentleman was not there.

Mr. Shepherd: I was most certainly there. The Leader of the House, in whose name this atrocious motion was tabled, has bound the ability of the Speaker to protect the interests of the House in discussing something of constitutional importance, which is necessarily debated on the Floor of the House in detail. That has been denied to the House. It is traducing parliamentary democracy. It is even worse than the day when the Government deemed a Bill to have been considered when it had not been.

Ms Harman: We have sought to provide adequate debating time for the House. The hon. Gentleman will know, of course, that the Bill enacts the treaty. We wanted to ensure that the house has an opportunity to debate not only the clauses of the Bill and the amendments that have been selected by Mr. Speaker but the substance of the treaty that the Bill brings into force. That is why we have proposed that there should be an opportunity to debate the substance of the treaty at the same time as discussing amendments to the individual clauses.

As for the guillotine, I would say only that the European Communities (Amendment) Act 1986 was guillotined on 1 July 1986. The motion was proposed by a Leader of the House whom many of us think was a great Leader of the House: John Biffen. I know that the hon. Gentleman is consistent in these matters, so I imagine that he opposed that as well.

Mr. Shepherd *indicated assent.*

Ms Harman: I see that the hon. Gentleman did so.

We must ensure that we have enough time to scrutinise not only the clauses and the amendments but the treaty that the clauses bring into effect.

I did not fully respond to the hon. Member for North Southwark and Bermondsey (Simon Hughes). He stated that the difficulty is that by the time a treaty that has been negotiated and committed to by the Government comes before the House, it is on a take-it-or-leave-it basis.

That is a difficulty facing all Governments and legislatures, but he proposes that we consider whether there might be a different way to do things, as did the hon. Member for Macclesfield (Sir Nicholas Winterton) yesterday in the Modernisation Committee.

Mr. Gordon Prentice (Pendle) (Lab): May I take my friend to early-day motion 826, which is on the Order Paper in my name?

[That this House notes with grave concern the plight of scores of people who have received multiple penalty notices couched in the most threatening terms from Effective Car Park Management (ECPM) for allegedly parking without authorisation on private land at the Lomeshaye Business Village in Pendle owned by Bizspace; notes that ECPM is registered at Companies House as MJB Car Park Management but that neither company is registered with the umbrella trade association for the parking enforcement industry, the British Parking Association; acknowledges that only members of the British Parking Association can request and receive data

electronically from the Driver and Vehicle Licensing Agency (DVLA); is astonished to learn that the DVLA has been supplying Matthew Brough, the owner of ECPM, with personal data from the DVLA database on the grounds that the company's request is made by paper and not electronically and calls on the Government to close this loophole without delay; further believes that Bizspace should terminate its contract with Matthew Brough forthwith; and considers that Brough's business practices are wholly unacceptable and that he is a cheat and a fraudster and that the debt collectors mentioned in the parking tickets have no rights of entry or rights to seize goods and that anyone with a ticket who believes they have been entrapped by Brough should refuse to pay and insist on the matter going before the courts.]

Does my friend share my astonishment that the Driver and Vehicle Licensing Agency is giving out personal details from its database to shady operators and crooks such as Matthew Brough from Effective Car Park Management, who is stinging and fleecing my constituents by clamping their cars and trying to extort huge sums of money from people who unwittingly park on private land? It is a serious matter; I expect a serious reply.

Ms Harman: My hon. Friend raises two important issues. The first is bogus clamping, which is being looked into by the Department for Transport, as is the regulatory regime by the Department for Business, Enterprise and Regulatory Reform. We all want traffic to move freely—we do not want random parking in breach of the law clogging up the roads—but we also do not want cowboys ripping people off by clamping their cars, sometimes leaving them very vulnerable and isolated as a result of not being able to drive away. He also raises the question of the use of data, which will come within the purview of the data review set up by the Cabinet Office.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): In compensation for the breach of his solemn promise to grant the British people a referendum on the treaty incorporating the substance of the European constitution, the Prime Minister made a further promise that this House would be able in Committee to consider that treaty line by line. Will the Leader of the House confirm that under the present timetable, no Committee consideration will be given to items in the treaty relating to immigration, asylum and border controls? Not a single amendment and not a single line of the treaty relating to those matters will be considered in Committee by this House. Is it her intention thereby to breach that promise by the Prime Minister as well? The one—

Mr. Speaker: Order. Supplementaries should be brief. We are getting into speeches; we have had a few this morning. Some of them were very nice, but they should not be speeches.

Ms Harman: Perhaps I could remind the House that we had six hours of debate—

Mr. Lilley: Not in Committee.

Ms Harman: If I could just finish, we had six hours of debate on how the House would handle the Bill—six hours of debate in which all Members had an opportunity to raise questions on the procedure for dealing with the Bill, followed by a vote. It has been decided how the Bill should be scrutinised by the House, and we are following through on that procedure.

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): My right hon. and learned Friend will be aware that there is a great deal of concern about the Law Lords' decision on 17 October regarding pleural plaques. They have deemed that pleural plaques, which are caused by exposure to asbestos, are not compensatable. She will also have seen the two early-day motions, 812 and 815, which stand in the names of my hon. Friend the Member for North Durham (Mr. Jones) and my hon. Friend the Member for Paisley and Renfrewshire, North (Jim Sheridan) respectively, and which ask for remedy.

[That this House recognises the anguish that has been caused by the failure of the House of Lords to overturn the Court of Appeal decision that prevents sufferers of pleural plaques from claiming compensation on the grounds of negligence; notes that there are thousands of sufferers in former industrial heartlands such as the North East who have been left without the compensation they deserve; and calls on the Government to take urgent action to ensure those suffering from pleural plaques receive justice.]

[That this House calls on the Government to explore every avenue possible to reverse the recent decision of the Law Lords which has denied compensation to the victims of asbestosis pleural plaques.]

Will she consider a debate, perhaps a topical debate, on pleural plaques, and will she convey to my right hon. Friend the Secretary of State for Justice that the issue needs to be remedied in this place?

Ms Harman: My hon. Friend will know that much has been done on the question of those who suffer horrible and debilitating respiratory disease as a result of work that they have undertaken, and those who have lost their lives as a result of contracting such diseases, because he has raised the issues in the House and caused progress to be made on just compensation. As for his further question, the Prime Minister is considering it with Ministers. If further proposals are made, they will no doubt be brought to the House.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): Might we have an urgent debate or statement on the deteriorating situation in Afghanistan, which is the subject of a number of reports today? There has been one from Oxfam, and one in *The Times* concerning the possibility of military training. I draw the Leader of the House's attention particularly to the front page of *The Independent* today, which highlights the case of Sayed Pervez Kambaksh, a journalism student who is apparently facing the death penalty, after having had very little by way of a fair trial and being denied independent legal representation, for the crime of downloading and distributing a report on the oppression of women. Surely, given our current involvement in that country, the Government must have a view on the situation. Surely we will not just sit back and allow that monstrous act to take place without doing anything about it.

Ms Harman: There is concern at all times about the situation in Afghanistan; indeed, the issue was raised yesterday during Prime Minister's questions. The

[Ms Harman]

Government are determined to stand up for human rights, including freedom of speech, in all countries, and are of course concerned about the matter.

Ms Dari Taylor (Stockton, South) (Lab): My right hon. and learned Friend will know that there are many children in care establishments throughout Great Britain. We have a serious shortage of foster parents, and many children remain in care establishments until the age of 16, when they are deemed adults who can be independent. It is a serious situation. They are our tomorrows children who will define Great Britain. The issue is important enough for the Government to have a debate on it. They must have a view about how the situation can be repaired.

Ms Harman: There is concern in Government that we should do more for those children who are most dependent on the state and who often appear to be most failed by it, namely children taken into care. She will know of the strategy for children in care, which started in the Department for Education and Skills, and of the work being taken forward in the Department for Children, Schools and Families. I will draw her comments to the attention of my right hon. Friends.

Mr. James Clappison (Hertsmere) (Con): A short question on the European Union (Amendment) Bill: does the imagination of the Leader of the House stretch so far as to say that what has taken place to date amounts to detailed, line-by-line consideration of the contents of the Bill and the treaty? Yes or no will do as an answer.

Ms Harman: Yes.

Mr. Don Touhig (Islwyn) (Lab/Co-op): Will my right hon. and learned Friend find time for a debate on Network Rail and the delay in running trains from the Ebbw valley to Newport? When the line eventually opens, trains will run to Cardiff but not Newport. Network Rail says that it is because major investment in signalling is needed, yet my constituents Mrs. Ruth Gray and Mr. Ted Beacham and my local paper, the *South Wales Argus*, say that freight trains are running on the line, and indeed that trains used for driver training in the Ebbw valley all come out of Newport. A debate would at least give us the opportunity to find out what is really going on.

Ms Harman: I will consider that as a question for debate, but I will also raise my right hon. Friend's comments, and his concern for his constituents and the important matter of their transport access, with my right hon. Friend the Secretary of State for Transport.

Sir George Young (North-West Hampshire) (Con): The Leader of the House has announced motions for debate next Thursday relating to European scrutiny reform. Is she aware that this morning, the Liaison Committee discussed those proposals and registered deep anxiety about aspects of them? Will she now respect the Liaison Committee's request that next Thursday those motions be not moved?

Ms Harman: The question of European scrutiny by the House is a matter for the whole House, rather than for Government policy. We know that we have to improve the way that the House scrutinises European legislation. We undertook to see whether we could come up with a better process of scrutiny to bring back to the House to debate and to decide upon. We need to do that as soon as we can because the old rules under which we have been operating run out three months after the time when we decided to review them, so we face some time constraints. Above all, we want to reach agreement across the House on the matter. I shall therefore consider how to respond to the points that the right hon. Gentleman has raised on behalf of the Liaison Committee. We want to get something that everyone agrees is an improvement on the way that we currently scrutinise European business.

Mrs. Ann Cryer (Keighley) (Lab): Would it be possible to have an early debate on the explicable reluctance of senior schools to display and distribute information and advice on the avoidance of forced marriages to their students? Last summer, the Department for Education and Skills sent round some good guidelines on the subject, which seem to have been ignored.

Ms Harman: I will bring the issue to the attention of my right hon. Friend the Secretary of State for Children, Schools and Families. Perhaps Ofsted can shed some light on the matter. We need to be sure that all children in every school get the highest quality teaching, education and information.

John Bercow (Buckingham) (Con): May we please have a statement on the intended programming of the Report stage of the Human Fertilisation and Embryology Bill? Given that criticism was expressed in some quarters about the limited scope for parliamentary scrutiny of the sexual orientation regulations and of the new offence of incitement to homophobic hate crime, both of which Government measures I enthusiastically supported, may I suggest to the Leader of the House that it is in the Government's interest, in Parliament's interest and, above all, in the public interest that when the Report stage of the Bill takes place, she should err on the side of generosity in ensuring that all points of view on the controversial features of the Bill are comprehensively aired?

Ms Harman: The hon. Gentleman makes a point that has been drawn to my attention by a number of Members in all parts of the House. We have all been impressed by the way that the House of Lords has dealt with the Bill and discussed it in an informed and responsible way. I intend to ensure that we have sufficient time for a serious and good debate on that important measure in this House.

Gwyn Prosser (Dover) (Lab): Will the Leader of the House find time for a debate on the failures of the Tory-controlled South East England regional assembly to address major transport problems in east Kent, in particular its failure to designate Dover as a regional transport hub, and the failure to dual the last few miles of the A2, which is the road to the busiest ferry port in the world?

Ms Harman: I will bring my hon. Friend's comments on transport, which is very important indeed to his constituents, to the attention of my right hon. Friend the Secretary of State for Transport.

Sir Nicholas Winterton (Macclesfield) (Con): Successive Leaders of the House have promised me and the House that there would be a further debate on the tragic situation in Zimbabwe. Elections are due in that country shortly. This is absolutely the right time that the House should express its views on that tragedy. Will the Leader of the House accept a request from me to have even a short debate—a topical debate—on the subject next week or as soon as there is time for it?

Ms Harman: I accept that request for a debate. I know that there is support from Members in all parts of the House for the points that the hon. Gentleman makes.

Mr. Jim Devine (Livingston) (Lab): May we have a debate in Government time about the behaviour of Britain's six leading energy companies, which at a time of making record profits are increasing prices by eight, nine and even 10 times the rate of inflation? We are capping public sector workers' pay in the fight against inflation. It is time we capped those price increases as well.

Ms Harman: My hon. Friend will know, as the Prime Minister told the House yesterday, that there is a concern about increasing energy costs on the back of increasing fuel prices. The regulator is required to look at that. As my hon. Friend knows, we have dramatically increased the winter fuel payments and we are moving forward on the matter of insulation. We want to ensure that despite the increasing price of oil and gas, people can afford to keep their homes warm.

Stewart Hosie (Dundee, East) (SNP): The Treasury yesterday published a consultation document on financial stability and protecting depositors. It contains a large number of suggestions for consultation, including proposals that would mean a swingeing reduction in transparency by the Bank of England in the case of its offering support to another failing bank. Notwithstanding the merits or demerits of that case, the consultation was issued without an oral statement and there has been no opportunity yet to probe the Chancellor or the Government about their thinking on that matter. Will the Leader of the House ask the Chancellor to make an oral statement on the new consultation in good time before the end of the consultation period in three months, so that those in the House and outside can take on board the Government's thinking when finalising their submissions to the report?

Ms Harman: No doubt the hon. Gentleman can contribute to the consultation along the lines that he set out in his comments, and no doubt they will be considered.

On the subject of the economy, we usually hear a great deal of doom and gloom from the Opposition. I take the opportunity to welcome the 800 new jobs in Nissan in the north-east, and congratulate all those in the Nissan team who were involved in bringing those jobs to the north-east.

Ann Coffey (Stockport) (Lab): Two weeks ago I visited Stockport academy to see the progress of the new £27 million building. I was struck by the enthusiasm of the students for their new school, which has had an impact on attendance and behaviour. Will my right hon. and learned Friend make time for a debate so that I can persuade the Minister for Schools and Learners to include more Stockport schools in the Government's successful Building Schools for the Future programme?

Ms Harman: I congratulate the Stockport academy and the schools in Stockport on whose behalf my hon. Friend speaks. Perhaps she will have an opportunity to put those points to my right hon. Friend the Secretary of State for Children, Schools and Families at oral questions next Monday.

Standards and Privileges

12.17 pm

Motion made, and Question proposed,

That this House—

(i) approves the Fourth Report of the Committee on Standards and Privileges (House of Commons Paper No. 280);

(ii) endorses the recommendations in paragraphs 33, 34 and 36; and

(iii) accordingly suspends Mr Derek Conway from the service of the House for a period of ten sitting days. — *[Ms Harman.]*

The Leader of the House of Commons (Ms Harriet Harman): It is always highly regrettable when the House has to debate a motion of this kind. The matter has come to the House after a full process of investigation and consideration by a recognised due process. The Committee on Standards and Privileges, following the work of the Parliamentary Commissioner for Standards, published on Monday its fourth report of this Session, entitled "Conduct of Mr. Derek Conway".

The Government have arranged this debate at the earliest practicable time. The debate will consider the case in the context of the standards of conduct that are set out by the House and that the public who elect us expect us all to uphold. The matters before us have been investigated by the Commissioner and then considered by the Committee on Standards and Privileges. I thank the former commissioner, Sir Philip Mawer, for his work and commitment to this, his last inquiry. I also thank the right hon. Member for North-West Hampshire (Sir George Young), the Chairman of the Committee on Standards and Privileges, and all hon. Members who served on that Committee for their work on behalf of the House. It is very important work.

The Committee has concluded that there has been a failure to meet the standards expected and the Committee regarded the conduct as

"a serious breach of the rules".

The motion before the House today approves the report of the Committee on Standards and Privileges, endorses the recommendations of the Committee and proposes suspension for 10 days. I ask the House to support the motion.

12.19 pm

Sir George Young (North-West Hampshire) (Con): My Committee's report, which forms the basis for this debate, was published at 11 o'clock on Monday. The hon. Member for Old Bexley and Sidcup (Derek Conway), the subject of the report, came to the House that afternoon to make his personal statement. He said that he accepted our criticisms in full and unreservedly apologised. That prompt admission, which I welcome, will hopefully enable the House to agree to the three-paragraph motion on the Order Paper.

This report on the hon. Gentleman's conduct has evoked considerable interest and comment both inside and outside the House. Some of the comment has related to the fact that the hon. Gentleman had previously employed his elder son as a research assistant. The complaint from Mr. Barnbrook related to the employment of the hon. Gentleman's younger son, and the commissioner's investigation focused solely on that. Complaints have now been made to the commissioner about the employment of his elder son; under our rules, those complaints fall to the commissioner to consider.

In the past few days, my Committee has been accused of being both a kangaroo court and a gentleman's club. In my view, both accusations are wide of the mark. At the heart of our system for dealing with complaints such as this one is the Parliamentary Commissioner for Standards—an independent officer, appointed by the House, who investigates specific complaints about Members' conduct. Before submitting a report to the Committee, the commissioner shares the factual sections of that report with the Member who is the subject of the complaint and makes any mutually agreed factual corrections. Having received the commissioner's report, the Committee shares it in its entirety, including the commissioner's conclusions, with the Member concerned, and invites his or her observations—written, oral or both. It does so before it enters into any consideration of the commissioner's report. Before the Committee reaches its conclusions, any evidence that the Member gives is carefully weighed alongside the commissioner's report and any other evidence.

Having chaired the Committee since 2001, I can testify to the fact that the Committee approaches the task of judging colleagues conscientiously and in an entirely non-partisan way. We strive to be fair to the House, which has asked us to enforce its rules, and we strive to be fair to the Member before us and to the public interest. In this case, as in all the others that I have brought to the House, our recommendations were unanimous. All 10 members of the Committee took part in the proceedings, and I am grateful to them for the way in which they handled this case.

As the record shows, the Committee has made tough recommendations to the House when, as in this case, they are justified. To those who say that the punishments that the House imposes on those who break its rules are disproportionately light, I would only add that, as this case and others before it have demonstrated, the reputational consequences of our reports can be fatal. I therefore reject any suggestion that the Committee is either a kangaroo court or a gentleman's club. Our procedures are fair and transparent, and our judgments can have serious and far-reaching consequences for those who have breached the rules. Both the commissioner and the Committee approached this case just as they would any other. The hon. Gentleman has acknowledged the courtesy with which the commissioner treated him and has acknowledged that the Committee offered him every opportunity to explain his position.

As the Leader of the House said, this was the last case reported on by the previous commissioner, Sir Philip Mawer, and I thank him once again for his characteristically thorough examination of this matter and clear recommendations to the Committee. His report speaks for itself.

At the heart of this case was whether Freddie Conway was appropriately remunerated for the tasks that he was required to perform, and whether the work was actually carried out. The commissioner concluded that Freddie's rate of pay was unjustifiably high given his qualifications and experience, and that, on the

balance of probabilities, he did not need consistently to work his full contracted hours to complete his work. The commissioner also found that bonus payments had been made in excess of the permitted levels. My Committee endorsed those conclusions. Given some of the press comment, however, I should stress that neither the commissioner nor the Committee asserts that Freddie Conway did no work for his father.

A difficulty for the commissioner and my Committee in this case has been the virtually complete absence of evidence of the work that Freddie Conway actually performed, not least when he was at university in Newcastle. The Committee made it clear that it was not for the hon. Gentleman to establish his innocence, but frankly we were astonished that after three years and a substantial amount of expenditure, there was no independent evidence of Freddie's output—nor, apparently, could anyone outside the family be found who had seen him working. As the Committee commented on a case in 2004:

"It is...Members' responsibility to ensure that, if requested, they can properly justify any use of voted money, in the same way as any other recipient."

The hon. Gentleman has admitted that he failed to keep adequate records, and has apologised for his failure to do so. It is also common ground that bonus payments were made that exceeded the authorised ceiling.

What was the hon. Gentleman's defence to the commissioner's conclusions about the level of his son's salary? In essence, he consistently maintained that, as his son's salary was within the Department of Resources' approved scale, he was entitled to set it at his discretion. The Committee rejected that argument. The salary scale, at the time of the original appointment, ranged from £12,184 to £29,353. Given the extent of that range, the Committee did not believe, as a matter of principle, that Members' discretion could be regarded as completely unfettered. A judgment is clearly called for.

The question that we had to address was whether the hon. Gentleman had exercised his judgment sufficiently unreasonably for the payments to constitute improper use of the staffing allowance. The Committee concluded that it did. Freddie Conway was just 19, had just left school following his A-levels and had no experience. Department of Finance and Administration guidance would have suggested a salary at, or close to, the recommended London entry point of £16,614 full-time. Yet Freddie's father, by his own admission, took no account of that, and paid him the full-time equivalent of £25,970. The Committee took the view that that was an improper use of the allowance.

Taking all this together, the Committee has made three recommendations that it is asking the House to approve today. The first is that the hon. Gentleman reimburse the House for the sums overpaid to his son by way of bonus. That is the recommendation in paragraph 33 of the report. The second, set out in paragraph 34, is that the hon. Gentleman reimburse the House £6,000 in recognition of the over-generous salary paid to his son. The Committee considered that, whatever other action the House took, some recompense for the sum improperly paid out would be appropriate. For the reasons set out in paragraph 34 of the report, it proposes a payment of £6,000 by the hon. Gentleman in recognition of that. Finally, in recognition of the overall seriousness of this case, the Committee recommends that the hon. Gentleman be suspended from the service of the House for 10 sitting days.

There are two other matters on which I wish to touch briefly before I conclude. The first is the speculation that the Committee or the House should refer this matter to the police for investigation. As the House will know, Members of Parliament enjoy no general immunity from the criminal law; anyone can refer a matter to the police for investigation at any time, if they have evidence to suggest that a criminal offence has been committed. Both the Parliamentary Commissioner for Standards and my Committee consider, if necessary after taking legal advice, whether there is sufficient evidence to justify our doing so in any particular case in the light of all the relevant facts. On the other hand, there is no reason, as I am sure the House will agree, for either the Committee or the commissioner to adopt automatically a presumption that a Member who is the subject of a complaint may have committed a criminal offence. The Committee was satisfied on all the evidence before it that reporting to the House, rather than referral to the police, was the right way forward in this case.

The second matter is whether Members should continue to be permitted to employ relatives, or others with whom they have other than an arm's length relationship. At this point, I say to the House—and, indeed, to all the newspapers who have been ringing up since Monday—that I employ a member of my family, who is remunerated out of my parliamentary allowance. That is a debate for another day, along with a debate about what steps the House needs to take to address the reputational damage that this case has done.

In the meantime, I just say to the House that Members' use of allowances is a perennially sensitive issue and that allegations of real or perceived misuse are damaging. This is money that our constituents have paid for through their taxes. It is important that Members can demonstrate robustly, if challenged, that their use of allowances is above reproach, particularly where they have a relationship with the employee that might suggest an element of personal benefit. We should set ourselves similar requirements to those that we would expect of others responsible for the expenditure of public money, as a predecessor Committee suggested in 2003. The hon. Member for Old Bexley and Sidcup has paid the price for overlooking that principle. I commend the motion to the House.

12.29 pm

Mr. Frank Field (Birkenhead) (Lab): I should like to support the Chairman of the Committee on Standards and Privileges in respect of the motion and to draw some general points from his report, as he did. I do so knowing that while we may individually be held in very high esteem by our constituents, collectively that is not so; it is difficult to think how much lower our collective reputation might sink among voters generally.

There are at least four lessons to draw from this report. The first concerns the punishment. The right hon. Member for North-West Hampshire (Sir George

[Mr. Frank Field]

Young) said that other events had come into play and that it was difficult to think of a more severe punishment, but the Committee has been more severe on other Members in other reports, and those Members go around this place as happy as Larry. One of the lessons that I hope that the Committee will think about, not as regards specific cases but generally as regards its policy, is whether our series of punishments is adequate. If this example of what I would see as embezzlement had occurred on this scale in, say, the Refreshment Department, we would expect the person involved to leave the employment of this establishment on the day it was discovered. I believe that we should treat ourselves in a similar manner to how other people employed by this House would be treated.

Secondly, I want to make a plea about the employment of family members. I do so as somebody with no immediate family and so with no vested interest. The circumstances of Members of Parliament and those whom they employ are unique. We work on at least two sites over peculiar hours. I hope that there will be no rush by Members of this House to change the arrangements whereby family members can be employed if they are employed properly. It is proper for us to be clear about expenditure, as the right hon. Member for North-West Hampshire said, and it is not improper for us to agree that if family members are employed we can at least present to the Fees Office evidence that they have the qualifications for those jobs. However, given the arguments that I have heard, I would be against changing the rules about Members employing members of their families.

The third lesson concerns audit. I am amazed that the only case that has been put up against audit is based on the sovereignty of Parliament. Our constituents must give a hollow laugh at that when they witness how we have conceded our powers to check—not defeat, but check—the Executive and how we have allowed powers to go willy-nilly from this place to Brussels. There is no comparison between that movement of sovereignty out of this Chamber and the wish that our expenses should be properly audited. It is proper that as events change we should be prepared to consider the case put to us that our expenses should be properly audited.

My last point is about the balance between our salaries and expenses. I have been in the House for long enough to know Members who were here under the Wilson Government. At that time there was wage restraint for the population as a whole, which was applied to us. Members reported to me that the then Chief Whip went round the Tea Room saying to people, "You can vote for the wage restriction on your pay because we're adjusting allowances—you get the message, don't you?" The balance between our allowances and our salary is out of kilter. I do not think that our allowances are improper given the job that we are expected to do, but when we ask an outside body to look at our pay, we should be mindful of the fact that although we are overpaid in the eyes of many of our constituents, given their wages, we are certainly not overpaid compared with the responsibilities that we hold and the pay of people with comparable responsibilities elsewhere.

To sum up, first, I question whether the punishment in such cases is adequate. Secondly, I make a plea for the employment of family members. If we did not abide by that, how would we treat partners differently? Would we have some sort of co-habitation rules—and if so, who would we ask to enforce them? The situation would become absurd. I hope that we will consider carefully how we shall audit our expenses. Behind all this—the tension that the right hon. Member for North-West Hampshire alluded to—is the extraordinary position that we now find ourselves in whereby our allowances are considerably greater than our basic pay.

12.36 pm

Mrs. Theresa May (Maidenhead) (Con): As the Leader of the House made clear, this matter comes before us following the investigation by the Parliamentary Commissioner for Standards and the Standards and Privileges Committee. I join her in thanking the former parliamentary commissioner for his work. I also thank the members of the Committee for their work, which they carry out diligently on behalf of this House and in the best interests of this House.

I endorse the recommendations made by the Standards and Privileges Committee and support the motion tabled by the Leader of the House. My right hon. Friend the Member for North-West Hampshire (Sir George Young) described in some detail the Committee's recommendations and said a little about its investigations. It did indeed find that the hon. Member for Old Bexley and Sidcup (Derek Conway) had "misused the Staffing Allowance" and

"also seemed to be oblivious to the broader reputational risks to the House of any perception of personal benefit to his family."

All Members of this House should remember that in using public funds we have a duty to ensure that we use those funds properly and within the rules set. The Committee's report also makes it clear how important it is for Members to recognise the impact of the behaviour of an individual Member on the reputation not only of MPs or politicians generally but on the reputation of this House. As the Committee said:

"Members' use of allowances is a perennially sensitive issue, and allegations of real or perceived misuse risk damage to the reputation of the House as an institution, as well as to the personal reputation of individual Members."

Our behaviour, how we conduct ourselves, and how we use public money do not matter only for us as individuals or for political parties; they matter because they affect the views that people have of this institution. It behoves all of us to remember that in all that we do, we carry not just our own reputations but the reputation of this House. I support the motion.

12.38 pm

Mr. David Winnick (Walsall, North) (Lab): It is a difficult matter for a Committee to pass judgment on a fellow Member, even more so in cases where the Member belongs to the same political party as oneself. The Committee has carried out its work with the usual integrity that we expect, and we are grateful for its report. I have no criticism whatsoever of the manner in which it set about its work.

This case understandably gives rise to concerns about how our expenses are claimed. Perhaps some hon. Members will feel that the criticism being voiced in the press is without any reason or justification, and that the media misunderstand all about our expenses. We are not crooks; we are honest, and when someone makes claims unfairly and breaks the rules, we see what happens. Indeed, we would not want to go through what the hon. Member for Old Bexley and Sidcup (Derek Conway) rightly went through on Monday. Whether there should be a more severe punishment, as my right hon. Friend the Member for Birkenhead (Mr. Field) said, is a matter of opinion.

The process is lacking at the moment, in that there is insufficient transparency. Yes, money is claimed for perfectly legitimate reasons; I have no doubts about that. But that is not the view of the public. It may be that there is a lack of understanding on the part of the public about what expenses are for. I have said previously that I do not pay expenses to my secretary; I pay her a salary, and I do the same for my assistant in the constituency office. Nevertheless, the question arises whether there is a better way of ensuring that the public can to some extent be satisfied that the money that can be claimed, which is a very large sum—more than £144,000 excluding travel expenses—is spent in the manner that we would expect of other organisations. We expect those bodies to have the transparency and control that we, perhaps, do not.

We are constantly preaching to other organisations about how important it is for proper controls to be in place where public money is concerned—but that practice seems to be lacking on our own part. The situation is even more annoying, because we are honest. We claim money that we believe to be absolutely essential for the carrying out of our parliamentary duties. I do not know whether everyone does, but I welcome the fact that each year the amount claimed is published—a state of affairs that arises from the Freedom of Information Act 2000. It would be appalling if we did otherwise.

However, questions have been raised. For example, the Senior Salaries Review Body has suggested that the National Audit Office should take a random sample of a number of claims. I know that that idea is being looked into, but why should that not happen? What possible criticism could we have of that idea if we are claiming money properly and legitimately according to the rules, as we say we are? Why should the NAO not be involved? I do not understand why there should be any reluctance on our part about that.

I do not employ any of my relatives, but I see no reason why there should be a ban on a partner or a relative being employed, as long as everything is above board—as, in the unfortunate case we are discussing at the moment, it was not. I am against such a ban, but would it not be right, without going to extremes, to say that any partner or relative employed should be listed in the Register of Members' Interests? If the arrangement is above board, it is nothing to be ashamed about. If X employs his or her partner, it would be revealed in the register. I do not see why that should be a problem.

I shall conclude on this note. I do not altogether agree with the assertion of my right hon. Friend the Member for Birkenhead that our reputation is at rock bottom. That could have been said for centuries. Much of the criticism of our work is wrong and misplaced. However, it is in our own interest and for the good of our reputation that the manner in which we claim public money be shown to be transparent and justified, and the necessary controls be in place. I am not satisfied that they currently are, and I hope that this case means that changes and reforms that help the reputation of the House of Commons will take place.

12.43 pm

Simon Hughes (North Southwark and Bermondsey) (LD): As the Leader of the House said, these are always difficult moments for us as a House. That is right, and we should be careful in our response to such matters.

I support the motion tabled in the name of the Leader of the House, and I will invite my colleagues to do the same. I join her and the right hon. Member for Maidenhead (Mrs. May) in thanking and paying tribute to the right hon. Member for North-West Hampshire (Sir George Young) and his Committee, who do a very difficult job exceptionally well, with discretion, courtesy and the proper propriety. That is important.

You will remember, Mr. Speaker, that last week we debated the Senior Salaries Review Body report. Apart from colleagues who served on the Standards and Privileges Committee, none of us had knowledge at that point of what was to be published this week. That demonstrates the proper way in which such matters should be handled. The work was done by the Committee, it was published when the Committee was ready, and only then did it receive publicity. I too give thanks to the previous commissioner for his work, and I welcome his successor. Such jobs are very important, and the procedure works well. There is no criticism of the procedure involved, and if it errs on the side of caution, that is right. It should always presume people to be innocent unless the evidence proves otherwise.

In your earlier statement, Mr. Speaker, you reminded us that you had already considered the decisions we took last Thursday. At that time, we put forward three specific matters for a group of colleagues chaired by you to reflect upon, one of which was alluded to by the hon. Member for Walsall, North (Mr. Winnick).

We asked for further consideration to be given to a lower limit on Members' unreceipted expenditure; there was all-party agreement on that. The SSRB proposed that the limit should be £50, and my colleagues and I support that. We urge the Members Estimate Committee and the advisory panel on Members' allowances to agree to that change as soon as possible; I hope that it will be agreed by 1 April so that it can come into force at the beginning of the next financial year.

The second matter—this was the one referred to by the hon. Member for Walsall, North—was the SSRB recommendation that the National Audit Office should have the power to audit a selection of Members all the time. In other words, there should be spot checks; any of us would be aware that we might be audited at any time. I support that, and so do my colleagues. I hope that the House authorities can bring back that recommendation for agreement in this House, so that it

[Simon Hughes]

takes effect from 1 April. Such a move would allow spot checks every year on a random cross-section of colleagues in the House.

Thirdly, we asked the authorities to consider recognising partners who are sole beneficiaries as having the same rights for pension purposes as spouses and civil partners. In other words, people who are recognised as partners should have recognised status.

Arising from that, I would like to make two points about families. There seems to be a perfectly legitimate case for allowing colleagues who are married or have recognised partners to work with their partners. I speak as someone who is not in that position, so I am not speaking from self-interest. The job that someone does, working with a person to serve their constituents, can often best be done in a similar way to how things operate in a small business, for example.

However, if there is to be continuing acceptance of family members working for colleagues, there is not a strong case for more than one member of the family doing that, or for their being paid more than the going rate for the job, as recommended in the rules we set ourselves—within the parameters referred to by the right hon. Member for North-West Hampshire, such as competence, age and experience. We clearly cannot make current or past arrangements suddenly illegal if people have made a commitment through a contract to a member of their family. Provided that they follow the rules properly, that situation must be allowed to continue. For the future, however, there seems be a case for allowing only one family member to be employed, and at the right rate for the job.

Confidentiality for the people whom we employ concerns many hon. Members. Until the previous Parliament, my friend Nigel Jones—now Lord Jones of Cheltenham—sat on the Liberal Democrat Benches in the House of Commons. He suffered a terrible injury and witnessed the death in his constituency office of a person whom he employed, and who was working at the time on constituency matters. I know of other colleagues and their staff who are currently under threat from members of the public, and who are being supported by the police. Indeed, in the past the Leader of the House has been in that position, as have I.

We must therefore be careful about separating the proper accountability of Members of Parliament for public money and the way in which it is spent—for example, by declaring that we use our £90,000 to pay the wages of two, three or four members of staff—from putting the names of all those people in the public domain and identifying them as working for us. Doing the latter would mean that their addresses and their families could also be in the public domain. Members' staff are not in the same position as others who are paid from the public purse, because they are especially exposed. I have been in my surgery with people working for me, some paid and some volunteering, who have been put in difficult positions, with angry, aggressive and unstable constituents. Many colleagues from all parties have been in the same position.

I support the Committee's careful and considered findings and I believe that the recommendations are right. We all have a duty to ensure that we spend every penny of public money properly. I hope that we can agree to the audit proposals and the lower maximum expense allowance without receipts soon, and that we will be careful when we determine whom we employ, and consider the implications.

For all such people other than a spouse or registered partner, we should, in 2008, apply full proper employment practice. We should give people of all backgrounds equal opportunities to work for us. If we do not, we shall be reinforcing the traditional white male-dominated society that pertains here, because there are more white men than other colleagues in this place. I hope that modern employment law will work, and that people whom the taxpayer and Members of Parliament employ will be recruited openly. I also hope that they will be employed in a way that employment law will ensure is entirely justified in future.

12.52 pm

Peter Bottomley (Worthing, West) (Con): I believe that the first part of the speech of the hon. Member for North Southwark and Bermondsey (Simon Hughes) will meet with more cross-party agreement than the latter part.

I want to make three points. First, when I became a Member of Parliament, I tried to follow the advice of always applying the local newspaper test, which is: am I doing something that I would not want to read in my local newspaper? If the answer is yes, I should either admit to it or not do it. That does not mean that one cannot do unpopular or unwise things, but at least they should not be done secretly.

Secondly, I believe that if Ministers' names and private offices are published in directories and people know who our children are when they are at school or college, we should not be too prissy about including the names of those who work for us on letterheads. If they work with us and engage with the outside world, they should not hide their names. I therefore do not go along with the final remarks of the hon. Member for North Southwark and Bermondsey.

Thirdly, the view of some outside that we should not employ members of our families or household is wrong. When I first stood for election in 1974, it was against a Labour Member of Parliament who was over 60 and had moved in with his competent secretary as her spouse. The idea that she would have to find some other Member of Parliament for whom to work because they had got together and lived in the same place is absurd.

The report and the commissioner's findings were based on the balance of probability. The Committee should have applied that standard eight years ago. I am glad that it has now adopted it and that leaks, which are often distorting and issued for partisan or personal reasons, of conclusions of Committee reports no longer occur.

Question put and agreed to.

Resolved,

That this House—

(i) approves the Fourth Report of the Committee on Standards and Privileges (House of Commons Paper No. 280);

(ii) endorses the recommendations in paragraphs 33, 34 and 36; and

(iii) accordingly suspends Mr Derek Conway from the service of the House for a period of ten sitting days.

TOPICAL DEBATE

Holocaust Memorial Day

12.54 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Parmjit Dhanda): I beg to move, That this House has considered the matter of Holocaust memorial day.

I thank my right hon. Friend the Member for Warley, West (Mr. Spellar) for suggesting this important and timely debate. His long-standing commitment to countering racism and intolerance is well known to those of us who have known him for many years. I am also grateful to my right hon. and learned Friend the Leader of the House for allowing the subject to be chosen today.

The Government's commitment to promoting the aims and objectives of Holocaust memorial day is shared by hon. Members of all parties, and I commend that. Today's debate is a valuable opportunity to demonstrate our strong and enduring commitment to holocaust remembrance. The lessons of the holocaust continue to be relevant to British society.

Simon Hughes (North Southwark and Bermondsey) (LD): I am sure that the Minister agrees that the events held in the House—I went to two—and those in our constituencies, which are becoming more frequent, are valuable, have growing support and are increasingly effective in communicating the message about learning the lessons of what was done in the past, which we hope, pray and work to ensure will not happen in future.

Mr. Dhanda: I entirely agree, and I will shortly speak about not only national and international events, but the increase in local events, which is largely due to the work of the Holocaust Memorial Day Trust. It does an excellent job.

The holocaust is one of the most tragic events in human history. Its lessons are of universal relevance and have implications for us all. People of all faiths, cultures and races were victims of the Nazis. I strongly believe that the holocaust must have a permanent place in our collective memory. It is essential that we continue to hear the voices of survivors not only for now but for the benefit of future generations.

Stewart Hosie (Dundee, East) (SNP): I have had the great privilege of sharing platforms with several holocaust survivors. Sadly, their numbers are dwindling; age is catching up with all of them. The Minister is right to say that their voices must continue to be heard. What might the Government be able to do in future when no one is left who has first-hand experience of the horror of the second world war?

Mr. Dhanda: The hon. Gentleman is right. In the past decade, it was therefore especially important to make the holocaust part of the curriculum at key stage 3. I hope that that work with the Department for Children, Schools and Families will make a difference in the longer term. The lessons that are passed down and the stories that are told at events such as the one in Liverpool at the weekend are also vital.

Bob Spink (Castle Point) (Con): The Under-Secretary talks about lessons being learned. Does he accept that events in the world show that lessons have not been learned? The raison d'être of Holocaust memorial day is learning lessons about genocide, yet actions are taking place throughout the world, such as in Burma, against ethnic groups. Does he believe that the international community, including this country and the United Nations, should lead the world in tackling the repression and genocide that continue to happen?

Mr. Dhanda: The purpose of Holocaust memorial day is to learn and embed those lessons to make a difference for the future. As the hon. Gentleman says, we should learn the lessons for the future from man's inhumanity to man.

With that in mind, the UK joined the Swedish and United States Governments in 1998 in establishing the Task Force for International Cooperation on Holocaust Education, Remembrance and Research. In January 2000, 44 Governments from around the world attended the Stockholm international forum on holocaust education, remembrance and research. All those present signed the Stockholm declaration. The principles agreed that day have since been adapted to form the statement of commitment that underpins our own Holocaust memorial day commemoration.

This is probably an appropriate time for me to pay tribute to the work done by our former Prime Minister, Tony Blair, to ensure that Holocaust memorial day happened and to make the long-term commitment to it. He not only helped to bring in the commemoration, but made a commitment to ensure that it would last into the future.

Ms Dari Taylor (Stockton, South) (Lab): Will my hon. Friend pay a resounding tribute to the Holocaust Educational Trust? It takes young people from our schools on a year-by-year basis to Auschwitz and Birkenau, so that they can see the tyranny of evil that was perpetrated by the Nazi regime. The trust is a tremendous organisation that works assiduously to ensure that the young people in our communities know and do not forget.

Mr. Dhanda: My hon. Friend is entirely right. Many of us in the House will have had the opportunity to visit Auschwitz with children from our local schools. I know that such visits have made a huge difference to the children around the country who have had the opportunity to see at first hand what happened in such places. The work of the trust is incredibly important, which is why we are backing it to the tune of about £1.5 million.

The date for this important commemoration, 27 January, was chosen because it is the anniversary of the liberation of the Nazi extermination camp at Auschwitz-Birkenau. It is a powerful symbol of the horrors of the holocaust. We promote the UK Holocaust memorial day at international and national levels and increasingly, as the hon. Member for North Southwark and Bermondsey (Simon Hughes) said, at local level.

Through the Foreign and Commonwealth Office, we work closely with our European and international partners to promote holocaust education and research.

[Mr. Dhanda]

My Department, the Department for Communities and Local Government, provides £500,000 of annual core funding for the Holocaust Memorial Day Trust. This supports not only the holding of an annual national commemoration, but many of the local community activities. Five hundred local events have been held, and 23,000 people have already lit the virtual candle on the trust's website. Many hundreds of us, if not more, were in Hope street in Liverpool to light a candle on Sunday as well. The importance of actively engaging young people has already been pointed out, and as I have said, the Government provide £1.5 million of annual funding for the Holocaust Educational Trust to support the participation of two pupils from every school and college in visits to Auschwitz-Birkenau.

I want to touch on last Sunday's national commemoration in Liverpool, which I had the privilege to attend, and which rightly included the experiences of those who had suffered persecution more recently, in the conflicts in Rwanda, Darfur and the former Yugoslavia. In addition to the national commemoration, the Liverpool organisers also succeeded in running an important series of events during the preceding fortnight. Those activities were hosted by local communities originating from as far afield as Chad, the Czech Republic, Darfur, Kosovo and Rwanda. I am sure that I have the backing of the whole House in commending Liverpool—the European city of culture—and, indeed, all the other cities and towns across the UK for their commitment to actively engaging their local communities and schools in marking this year's Holocaust memorial day. That is what Holocaust memorial day is, and should be, all about.

In Liverpool, on Sunday, I had the privilege of sitting next to a gentleman whom I had never met before. His name was Martin Stern, and he had an extraordinary story to tell. He was born in the Netherlands in 1938. His father was a Jewish architect, whom his non-Jewish mother had married despite the Nazi Nuremberg laws. During the Nazi occupation of Holland, his father had hidden with the Dutch resistance. His father was captured, however, and sent first to Auschwitz and then to Buchenwald, where he was killed. By this time, Martin was about five years old. He had a younger sister, but after she was born, his mother died from a hospital infection.

Martin Stern was taken in by a young Dutch couple, but they were soon arrested because Martin and his sister had been born of a Jewish parent. As a result, he was sent to the transit camp at Westerbork in the Netherlands and, later, with his one-year-old sister, to the Theresienstadt concentration camp in Czechoslovakia. He and his sister—a five-year-old and a one-year-old—were among the 150 children at the camp. I learned from Martin at the weekend that about 15,000 children entered concentration camps during the second world war. He is one of about 100 who survived that experience.

Martin Stern and his younger sister were protected by a young woman in the concentration camp. She became like a mother to them, although when they were released, she was not allowed to look after them. He was reunited with her in the 1980s, and saw her before she passed away.

The time that I spent talking to Martin before the commemoration provided me with the beginning of an understanding of what it must have been like to have experienced the horrors of the holocaust. Despite having had that experience, Martin had the resolve to make a new life in this country, and to become an eminent doctor here. His story, and those of others like him, must never be forgotten.

Mr. John Spellar (Warley) (Lab): I thank the Minister for giving way. May I point out to him that my constituency is Warley? The old constituency of Warley, West was merged. He has spoken movingly of the testimony of survivors, but many of them are now passing away. Will he pay tribute to the work of the Holocaust Educational Trust, and tell us what the Government can do to ensure that those testimonies are captured and kept so that future generations can understand the horrors of the holocaust?

Mr. Dhanda: My right hon. Friend makes an exceedingly good point. I join him in paying tribute to the Holocaust Educational Trust, as well as to the Holocaust Memorial Day Trust. They are doing a great deal of work in collecting information and stories. The day itself provided a great opportunity, and those of us who were in Liverpool learned a great deal from some of those personal testimonies. There must be opportunities for young people to visit not only Auschwitz but places such as Srebrenica, as some have as part of these trips, and to see the historical context and the stories associated with it. I hope that such visits will provide lasting memories that can be passed down the generations, because we must never forget the lessons of man's inhumanity to man.

1.9 pm

Mr. Paul Goodman (Wycombe) (Con): I congratulate the right hon. Member for Warley (Mr. Spellar) on the part that he has played in ensuring that this topical debate could take place today. I should also like to say that the Minister's opening speech struck exactly the right note. Parts of it—the ending, in particular—were extremely moving.

I have a personal interest in this debate, in a way, in that my family background is Jewish, although it is not the religion that I, in a flawed and faltering way, try to practise. I was not in Liverpool on Sunday, but my colleague, Baroness Warsi, the shadow Minister for Community Cohesion, was, as was my hon. Friend the Member for New Forest, East (Dr. Lewis), who I see in his place; he was representing the leader of the Conservative party. I have been to Auschwitz-Birkenau and I have read some of the standard works on the holocaust. Although my family did not lose any of its members during the holocaust, I remember my father telling me when I was a child that his father bought a gun in the early part of the war—they were easier to get hold of then than they are now—with the intention of shooting the entire family if the Germans landed. I reflect that if things had been different, I might not be here today, although that consideration is not unique to me, as it applies to other hon. Members.

Reflecting on the holocaust, it is hard to comprehend—I am sure that hon. Members will share this view—the sheer scale of what happened. It was the worst act of

state terrorism that has ever taken place in western Europe. It is also hard to grasp that this act took place in Europe. Those of us who are Europeans—all of us present today are Europeans—find it extremely difficult to grasp that this happened in our continent, which we like to think of as one of the centres of civilisation. It is the continent of Goethe, Mozart and Kant.

Lynda Waltho (Stourbridge) (Lab): I am also very moved by what the hon. Gentleman has been saying. Is it not precisely because of the point he makes that we must encourage organisations such as the Holocaust Educational Trust to continue their work? It was only when I went to Auschwitz that I started to comprehend the industrial nature of what happened. The young people I was with were silent for virtually the whole trip home, as they sought to comprehend what they had seen. That is exactly why we must encourage the Government to support the Holocaust Educational Trust.

Mr. Goodman: The hon. Lady makes an absolutely key point. She is now the third Member in the debate to highlight some of the difficulties of educating young people who are growing up today about what happened in Europe on such a vast scale 50 and more years ago. The hon. Member for Dundee, East (Stewart Hosie) made the same point earlier. He and the hon. Lady are absolutely right.

Mr. David Winnick (Walsall, North) (Lab): If I understood the hon. Gentleman correctly, he said that it is difficult to comprehend how these events could have happened in Europe. He was not speaking about this particular period, but would he accept that sustained anti-Semitism has been dominant in Europe for centuries and that it would have been virtually impossible for the Nazis to do what they did if the Jews had not been attacked and persecuted over such a long period? Although Jews have perhaps had more security in this country than in most others since the 17th century, we need to remember that this country was the first in Europe to expel Jews. As the hon. Gentleman will be aware, the proclamation was made in July 1290, and the actual expulsion was in November—it was much the same as the expulsion of Asians from Uganda in 1972.

Mr. Goodman: I agree with the hon. Gentleman. My point was that, as Europeans, we need to remember our common history and understand the roots of what happened. It is significant than in the 50 and more years since the war, the Churches—I am thinking particularly of the Roman Catholic Church—have changed key parts of their teaching and message to repudiate some of the inheritance of anti-Semitism that was present in that and other similar institutions. The hon. Gentleman is taking me where I want to go, as I now want to talk about the future as well as the past and to explain why this debate is so topical.

The Minister was quite right to intimate that the Jews were not the only victims of the holocaust; there were other groups such as Gypsies and, indeed, gay people. Crimes against humanity have taken place recently and are taking place elsewhere—in Rwanda, Darfur and Kosovo, for example. I understand from what the Minister said that those crimes were alluded to in the event in Liverpool on Sunday, which is obviously right and proper. Coming back to the present, however, it is a sober fact that anti-Semitism still, sadly, exists in Europe, perhaps particularly in eastern Europe and, indeed, in the UK.

In addition to commending the work of the Holocaust Educational Trust, I would like to commend that of the Community Security Trust—the Minister will be familiar with it—and the all-party group on anti-Semitism. I see in their places the hon. Member for Bassetlaw (John Mann) and others associated with that group.

Kelvin Hopkins (Luton, North) (Lab) *rose*—

Mr. Jim McGovern (Dundee, West) (Lab): *rose*—

Mr. Goodman: I do not know who to give way to first. Let me start from the bottom and work up.

Kelvin Hopkins: Would the hon. Gentleman care to add to the list of organisations that do such marvellous work in this area the Anne Frank Educational Trust, which has a touring exhibition throughout Britain, which has been going for many years? It draws everyone's attention, including that of schools and communities across the country, to the horrors of the holocaust.

Mr. Goodman: Yes, I certainly will add that organisation to what the hon. Gentleman knows is quite a long list.

Mr. McGovern: I join other hon. Members in paying tribute to the Holocaust Educational Trust. It has already been mentioned that two people from each constituency are invited to go on a trip to Auschwitz each year. What has not been mentioned is that MPs are also invited, and I would hope that every Member would encourage as many other Members as possible to participate in that trip. I was fortunate enough to go in October last year with more than 200 Scottish school pupils. It was a most memorable trip, and I would like to pay particular tribute to Rebecca Clark of Lawside academy in Dundee who recorded everyone's views about it for the academy's radio programme. Does the hon. Gentleman agree that more hon. Members should participate in these trips?

Mr. Goodman: Yes, and in saying so I am half making a commitment to go myself. I am grateful to the hon. Gentleman for raising that point.

When I was growing up, it was recognised that the main political source of anti-Semitism in the UK was neo-Nazi groups, but the picture today is slightly different. The neo-Nazi groups are still there, but there are others who express extreme views and who believe, for example, that Jews are the enemy of Islam. That is a subject of some interest to me as the Conservative MP with the largest number of Muslim constituents. I always find that view puzzling. My constituents are often keen to point out to me that Jews and Christians are "Ahl al-Kitab"—people of the book—who are recognised in Islam as fellow believers in one God. The extremist views that I referred to are certainly not those of mainstream Muslims.

Ms Karen Buck (Regent's Park and Kensington, North) (Lab): On that particular point, is the hon. Gentleman aware that a malicious rumour has been

[Ms Karen Buck]

circulating that holocaust teaching is not permitted and is being reduced in certain schools with large numbers of Muslim pupils? Speaking as a Member who represents a constituency with many such schools, may I absolutely reassure him that that is not the case? Indeed, schools in my constituency have participated in the Holocaust Educational Trust activities and I have sometimes joined them. There is a strong emphasis on holocaust teaching, which crosses all the faith communities. I would like to see all-party condemnation of that rumour.

Mr. Goodman: I am sure that the hon. Lady is right. I was going to ask the Minister about that. According to my research, a document produced by the Department for Children, Schools and Families referred to one teacher in a school in northern England who had allegedly backed off from teaching the holocaust because of the reaction that, rightly or wrongly, they thought they would get from Muslim pupils. Perhaps the Minister can clear that up later.

While discussing Holocaust memorial day, I wanted to make passing reference to the Muslim Council of Britain, of which both the Government and, for the Conservatives, Dame Pauline Neville-Jones have in some respects been critical. The MCB this year decided to attend Holocaust memorial day, having boycotted it for many years. It is right to give credit where it is due—it has finally decided to attend.

In relation to keeping Holocaust memorial day alive, I want to press the Minister a little on anti-Semitism in Britain today in universities and schools. It is a sobering thought that the Government are paying capital costs for school security in, I believe, 12 local authority areas. That is a reminder that the terrible legacy of anti-Semitism, demonstrated in the holocaust, is not, I am afraid, entirely gone.

I want to ask the Minister three questions. First, the Home Office and the Department for Communities and Local Government have a hate crime taskforce, which is reviewing evidence of campus anti-Semitism. Has that taskforce had an opportunity to report? If not, when will it do so? Secondly, there is a long-standing difficulty about British citizens, or at least people living in Britain, contributing to USA-based anti-Semitic websites. I understand that a prosecution may be due. If the Minister can give any news on that, I think the House would be grateful.

Thirdly, the Government are committed to recording different hate crimes. In a Westminster Hall debate—initiated, I think, by the all-party group—a Minister gave that commitment, but apparently only one in 10 recent anti-Semitic hate crimes has led to prosecution. That is a low proportion. Will the Minister comment on what the Government can do to raise the success rate?

In closing, I looked to the account of what happened in Liverpool and found what seemed to be an apposite quote from Jonathan Sacks, the Chief Rabbi, which marries up the points about past and future that many hon. Members have made today:

"We can't change the past. But each of us, by challenging prejudice and intolerance, can change the future."

That is an entirely appropriate thought with which to end my contribution to this topical debate on Holocaust memorial day.

Several hon. Members *rose*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. This might be the appropriate point at which to remind Back-Bench Members that there is no time limit on their speeches, but I suspect that, unless they confine themselves to reasonably concise remarks, I shall not be able to call every Member. I hope that there will be a degree of co-operation across the House.

1.23 pm

Mr. Denis MacShane (Rotherham) (Lab): We have only one hour for this debate. Those on the Front Benches have been very generous in taking interventions. I will not take interventions, simply so that I can sit down as soon as I can. Please wave a yellow or a red card at me, Mr. Deputy Speaker, if I go over more than four or five minutes.

This is an important debate and I am glad that the Government have found time for it. Like other Members, I have visited Auschwitz. I was there on the 60th anniversary of the liberation, but I have taken my children on private visits to Poland—to Madjenek—to try to explain to them exactly what the holocaust was. It was unique; it was not another genocide, another extermination. History is littered with those. As the hon. Member for Wycombe (Mr. Goodman) said, we face them today, perhaps in Darfur. What is being unleashed in Kenya might also be going in that horrible direction. We hope not.

The holocaust was four years of calmly organised, purposeful integration of transport, science, engineering and construction work to put millions of Jews, Sinti and Gypsies to death. We are now finding that the death toll may be higher. I want to report to the House the remarkable work of Father Desbois, a Paris-based priest who has spent the past two or three years touring sites in Ukraine that are not recorded, discovering graves containing the remains of Jews put to death by SS and Wehrmacht Einsatzgruppen after the invasion of Ukraine.

The holocaust figures may have to be increased a little, which is why we have to say to ourselves that there is no comparison between the holocaust and other horrible moments of European, or indeed world, history—expulsions, ethnic cleansing, population transfers, massacres at the end of the Ottoman empire and hundreds of thousands of Palestinians leaving their homes in the wars of 1947 and 1948.

Nor can we class the holocaust as just a matter of history. As hon. Members have said, the holocaust was rooted in an ideology—not in hate, race or religious hate, much as those were part of it, but in an ideology called anti-Semitism. It has been said that anti-Semitism is a light sleeper. As chairman of the all-party commission of inquiry into anti-Semitism in this country, let me report to the House the fact that this is a light sleeper that is reawakening. Anti-Semitism is one of the ideological driving forces for violence, hate and terror around the world. It is international and coherent; it involves theoreticians and practitioners; its involves men of huge violence while at its soft end it

involves a joke around the dinner table, or perhaps a brick hurled through a synagogue window.

We have to place on record some apostles of contemporary anti-Semitism as the best way of giving witness to our concern about and horror at what happened in the holocaust. Take, for example, Sheik Yusuf al-Qaradawi, who says:

"An Israeli woman is not like women in our societies, because she is a soldier."

He goes on:

"I consider this type of martyrdom operation"—

blowing up Jews in Israel—

"as an evidence of God's justice."

All this was said on the BBC, not hidden away on obscure websites. He also said:

"Allah Almighty is just; through his infinite wisdom he has given the weak a weapon the strong do not have and that is their ability to turn their bodies into bombs as Palestinians do".

This man is an open advocate of Jew killing and of holocaust activities as they have been modernised in contemporary world history.

A few years back, Mr. Abd al-Rahman al-Sudayyis, imam at the al-Haram mosque in Mecca, said:

"Read history and you will understand that the Jews of yesterday are the evil fathers of the Jews of today...the scum of the human race 'whom Allah turned into apes and pigs'".

In March 2003, a more senior state figure, President Bashar al-Assad, said:

"Even if the peace process succeeds, it is impossible that Israel should be a legitimate state".

Returning home, Mr. David Irving, talking late last year to *The Guardian*, said that the Jews were responsible for what happened to them in the second world war and that the "Jewish problem" was responsible for nearly all the wars of the past 100 years:

"The Jews are the architects of their own misfortune",

he declared.

At about the same time, Muhammad Cherif Abbas, Algeria's Minister of War Veterans, said of President Nicolas Sarkozy:

"You know the origins of the French president and those who put him into power. Do you know that the Israelis printed a stamp with Nicolas Sarkozy on it during the election campaign?...Why has Bernard Kouchner..."

the French Foreign Minister, who is a non-believing Jew—

"decided to cross the floor? It's the result of a movement that reflects the views of the real architects of Sarkozy's arrival in power—the Jewish lobby."

There we have it again—references to the "Jewish lobby", the cabal. The Saudi Government are publishing translations of the protocols of the elders of Zion and circulating them as contemporary historical material.

My final remarks—I shall sit down soon, Mr. Deputy Speaker, and thank you for that glance—relate to material published by Policy Exchange in a report produced by Professor Denis MacEoin of Newcastle university at the end of last year. The information in question is in circulation in the King Fahad school in west London. It says that the Jews are responsible for trying to

"immerse nations in vice and the spread of fornication."

It also says that the Jews are

"spreading immoral pornographic literature...Cheating, bribing, stealing and conning."

It goes on to say:

"The Jews are a people who were moulded with treachery and backstabbing throughout the centuries and they do not keep their word nor honour their promise."

Finally, let me quote Nick Griffin of the British National party, who is currently obsessed with Polish workers. A few years ago it was Asian workers, but the man has always been obsessed with Jews. He wrote a book called "Who Are The Mindbenders?", which lists Jews who work in the media and do not use their real names. Mr. Griffin denounced the former Labour Member of Parliament for York, Alex Lyon, as

"this bloody Jew... whose only claim to fame is that two of his parents died in the Holocaust."

In a book published in 1988, Mr. Griffin wrote:

"the Jews... shifted the alleged sites of the mass gassings from the no-longer believable German camps such as Dachau and Belsen to the sites in Communist Poland such as Auschwitz and Treblinka."

I put those quotes on the record so that people who read the debate can understand that what we are dealing with is not history. What we are dealing with is not what happened in the past: it is alive, awake and organising. It involves British citizens. It involves many people from different countries and different faiths. We must combat anti-Semitism today with the dedication with which we so singularly failed to combat anti-Semitism and Nazism before 1939.

1.31 pm

Lembit Öpik (Montgomeryshire) (LD): Although I am not Jewish, my family's history was changed for ever by the momentous and destructive events that engulfed the continent of Europe 65 years ago. The imperative for my parents to flee Estonia under threat of persecution and probable death is the reason I am here. The United Kingdom's generosity and compassion at the time saved my family, and for that I, like so many others, am for ever in this country's debt.

It is my family's history, and my strong sense of association with humanity as a common community, that made me agree to agree to work with the Holocaust Educational Trust to promote the issues that Holocaust memorial day exists to commemorate. I pay particular tribute to Karen Pollock, head of the trust, who—ceaselessly, courageously and with extraordinary poise and elegance—has raised its effectiveness to the level that we see today. We all owe her a great debt of gratitude.

I want to say a little about the Lessons from Auschwitz project, which enables sixth-form students to make one-day visits to the former Nazi death camp Auschwitz-Birkenau. It gives them a unique insight into the catastrophe that can result when anti-Semitism and other prejudice spiral out of control. Most participants return not just with a deeper understanding of the past, but with a real sense of mission to ensure that such events are never allowed to happen again.

Last year the Government provided £1.5 million to support that flagship project. It was hard fought for, but the HET is immeasurably grateful for the Government's

[Lembit Öpik]

generous contribution, which has enabled it to expand the project dramatically and take it nationwide. The aim is to make it available to sixth-formers at every secondary school and further education college in the United Kingdom. I hope that this year representatives of all six secondary schools in my constituency will be able to act as ambassadors, and will report their findings to their schools.

One of the primary aims of the visits is to enhance participants' sense of civic responsibility and encourage them to be active in standing up to all forms of racism and discrimination, not just anti-Semitism. It is mandatory for them to share their experiences and disseminate the lessons that they have learned in their schools and communities on their return. Many of the students who went last year chose to make it a Holocaust memorial day commemorative event, and as a result there has been a considerable increase in the number of young people participating on the day.

All Members of Parliament are invited to join students from their constituencies on the visits and become involved in their follow-up activities, and I encourage all Members to take advantage of that opportunity. Their involvement helps to inspire young people to become more politically aware and active, as well as underlining the importance of lessons that we, as parliamentarians, are duty bound to promote.

Simon Hughes: I took part in a memorial event at the Soviet war memorial in Geraldine Mary Harmsworth Park, just over the bridge. One of the benefits of such events is that people come from all sorts of backgrounds. We saw not only diplomats from the Russian and other former Soviet embassies, but holocaust survivors and young people of, probably, 30 nationalities. They were able to meet and to realise that we are all part of the same human race, with the same rights and the same dignity.

Lembit Öpik: My hon. Friend is right. Such events serve to remind us that the holocaust is not the only example of mass murder committed by the human race since 1945. Millions have died in circumstances comparable to what happened during world war two.

Auschwitz is a lesson in what went wrong in the past because human beings allowed it to occur. We should remember that those things went wrong in a highly educated, civilised, first-world country, which was not so different from the United Kingdom before it descended into the barbarism that is commemorated on Holocaust memorial day. Although we should recognise that other events have taken place around the world, the holocaust in Germany stands ignominiously as the worst of them all. I hope that all of us, including our colleagues who are not present today, will agree that the only thing that we really must regard as intolerable is intolerance itself. That, in my judgment, is the strongest insurance: the best way in which to make certain that human history's darkest hour is never repeated.

1.36 pm

Mr. Ian Cawsey (Brigg and Goole) (Lab): I welcome the debate. I shall try to be brief, as others wish to speak.

Earlier in the Session I tabled early-day motion 648 to commemorate Holocaust memorial day. I thank all 169 Members in all parts of the House who showed their support by signing it.

This year's Holocaust memorial day theme was "Imagine, remember, reflect and react". On Sunday I attended a local memorial service in Brigg, organised by Brigg town council. The council has an annual ceremony and a permanent memorial in the Angel courtyard, in the council buildings in the market place. This year's event was led by our first-class mayor Mike Doherty and his wife Pat, and was organised by our excellent town clerk, Jeanette Woollard. The ceremony was short, moving and effective, involving people of all ages and different religions. It was an honour and a privilege to participate in it. Along with the mayor and eight schoolchildren, I placed 10 stones around the permanent memorial to commemorate the 10 million people who died at the hands of the Nazis.

Keeping the memory alive is important, hence the work of the Holocaust Memorial Day Trust and the Holocaust Educational Trust, which is 20 years old this year. They have championed holocaust education in schools, and it has been on the curriculum since 1991. It has been claimed that it will be diminished or removed from the curriculum, and I have seen—as, I am sure, have many Members—some of the e-mails that were sent as part of a campaign to prevent any such move. Their purpose seemed to be to send an anti-Muslim message, attacking Muslims for being somehow responsible.

Those e-mails, which served as a chilling reminder of how quickly prejudice can spread, ended up in America, in a world so insular that people thought "UK" stood for "University of Kentucky". Representatives of the university had to issue a press statement making it clear that it was nothing to do with them. Indeed, as far as I can see it was nothing to do with anything at all, but it would be good if the Minister reiterated that holocaust education will remain on the curriculum.

The hon. Member for Montgomeryshire (Lembit Öpik) mentioned the Lessons from Auschwitz project and the £1.5 million grant that the Government provided last year, which has allowed the project to expand so that all schools can participate. I hope the Minister will also confirm that such funding will continue.

Just over a year ago, I visited Auschwitz-Birkenau. In the morning, we visited Auschwitz, which was bizarre as it looked like a film set. It is a former barracks, and it was quite smart and well built, and I could imagine a film being made there. It was the afternoon visit to Birkenau that really hit home. Birkenau is on a different scale and it is purpose-built: it is enormous and it is designed to kill efficiently—to kill as many people as possible as quickly as possible. It is a chilling experience, and I believe that the memory of Birkenau will live with anybody who visits it.

I remember standing on the platform by the railway track, where there is a large photograph of literally thousands of Jewish people going through the infamous separation, with a doctor holding his arm out to direct those who have to go the way that leads straight to death. There is a large shed in the background of the

photograph, and after a few moments visitors realise that that shed is still there and that they are standing in exactly the place where those events happened.

Mr. James Clappison (Hertsmere) (Con): The hon. Gentleman is speaking very movingly about his visit, and it is important that people see this terrible place. It is also important to hear from people who actually experienced the holocaust—the survivors. As those survivors are growing older and increasingly frail, does the hon. Gentleman agree that it is important to keep alive their testimony through DVDs and other recordings and that every effort should be made to circulate such recordings to future generations?

Mr. Cawsey: I entirely agree. In fact, the Holocaust Educational Trust made a DVD on such recollections and won a BAFTA for it. That is another of its great achievements, and I am sure it will help in future holocaust education.

It takes hours to tour all of Birkenau, and we finished with a memorial service around the ruins of one of the crematoriums. Afterwards, it was dark and we walked along what is probably the most infamous railway track in the world. It is impossible not to be affected. On the coach journey back to the airport, I spoke to some young people, and what they said was revealing. They had done holocaust education at school—in fact, they had done extra holocaust education as they had attended a seminar prior to the visit—but nothing had hit home as much as the visit itself. That is why I hope that the Government will ensure that that is funded in future.

Some people ask me, "Why the holocaust? There have been many other atrocities, both before and since." Indeed, there have, but the holocaust was so awful and so huge. Two out of three European Jews, and millions from other minority groups, were killed. It happened during a conflict we were involved in, it happened in countries not far away and, in historical terms, it happened not long ago.

I believe that if we are not vigilant it could happen again. That is why we all must follow the theme of this year's Holocaust memorial day: imagine, remember, reflect, react. If we do, the chances of there being another holocaust will be greatly diminished and the world will be a better place.

1.42 pm

Mr. Michael Howard (Folkestone and Hythe) (Con): I am extremely grateful for the opportunity to make a brief contribution to this debate. My grandmother was killed at Auschwitz. I was partly brought up by an aunt who survived it, after having actually been in a gas chamber more than once, and I have an uncle, happily still alive, who survived two other concentration camps. So the holocaust has had a direct and terrible effect on my family.

I have, of course, visited Auschwitz. One of the most chilling exhibits—of the many, many chilling exhibits—is the map that was prepared for the 1943 Wannsee conference. It depicts the countries of Europe, and beside each country is the number of Jews whom the Nazis expected to take and kill. The map includes England, and there is a number attached to it.

I am glad that this debate is being held because, as all Members have said, we must never forget, and I echo the tributes that have been paid to the Holocaust Educational Trust and the Holocaust Memorial Day Trust for their excellent work. We must also never forget that Jews were not the only group who were devastated by this unprecedented and unique horror.

I do not propose to attempt to describe the horrors that occurred on our continent just over 60 years ago; they are well documented. I want to make a different point. The holocaust saw the deepest degradation of the human spirit that we have ever witnessed, but it also gave rise to some outstanding acts of heroism both by Jews, such as those that occurred in the Warsaw ghetto uprising, and by non-Jews. Many of those acts have been researched and recognised by the Yad Vashem UK Foundation, which also does much to keep memories of the holocaust alive, and I would like to cite just one example.

On the eve of the German occupation of Warsaw, the director of the Warsaw zoo was a man called Dr. Zabinski. The Germans appointed him superintendent of the city's public parks as well. Availing himself of the opportunity to visit the Warsaw ghetto, ostensibly to inspect the state of the flora within the ghetto walls, Dr. Zabinski maintained contact with pre-war Jewish colleagues and friends and helped them escape to, and find shelter on, the so-called "Aryan" side of the city. Many cages in the zoo had been emptied of animals during the September 1939 air assault on Warsaw, and Dr. Zabinski decided to use them as hiding places for fleeing Jews. Over the course of three years, hundreds of Jews found temporary shelter in those abandoned animal cells, located on the western bank of the River Vistula, until they were able to relocate to permanent places of refuge elsewhere. In addition, close to a dozen Jews were sheltered in Dr. Zabinski's two-storey private home in the zoo's grounds. In this extraordinarily dangerous undertaking, he was assisted by his wife, Antonina, a recognised author, and their young son, Ryszard, who nourished, and looked after the needs of, the many distraught Jews in their care.

At first, Dr. Zabinski paid from his own funds to subsidise the maintenance costs, and later money was received through the Jewish Committee. He was an active member of the Polish underground army, and he took part in the Warsaw uprising of August and September 1944. When it was suppressed, he was taken as a prisoner to Germany, but his wife continued his work, looking after the needs of some of the Jews left behind in the ruins of the city.

I believe that that is a truly extraordinary story, and it illustrates, as do so many other stories, that while the holocaust saw the human spirit sink to depths of degradation previously unplumbed, it also saw the human spirit soar to extraordinary heights of heroism and self-sacrifice.

Perhaps—this point might be a little more controversial—there is a lesson here for us Members. We are legislators. We make laws that seek to frame, to regulate and to modify the conduct of our fellow citizens, but the extremes of human conduct—for bad and for good—that we saw during the holocaust, and that we continue to see on a smaller scale today, are in many ways beyond our reach, and the ability we have to influence them by passing laws is limited.

[Mr. Michael Howard]

I am nearing the end of the period during which I have had the enormous privilege of serving in this House, and as I reflect on the lessons we legislators in particular can learn from the events of six decades ago I believe that a sense of humility should come very high on the list. It is not an easy lesson to learn—I certainly cannot claim to be one of its best pupils—but we should all do our best to take it to heart.

1.49 pm

Mr. Andrew Dismore (Hendon) (Lab): It is a privilege to follow such a moving speech from the right hon. and learned Member for Folkestone and Hythe (Mr. Howard). Ten years ago, as a new Member of Parliament, I visited Auschwitz-Birkenau with the Holocaust Educational Trust. I pay tribute to Rabbi Barry Marcus, who was a stalwart of that visit and has been one ever since. As all hon. Members have mentioned, it was a moving experience. We all bring back our own memories. The trigger, for me, was seeing a great mound of shoes. None of the shoes had laces—that was what brought home to me the industrial nature of the holocaust; some poor slave labourers had had to go round taking all the laces out.

Like everyone else, I was moved. On the plane home I asked myself what I could do, as an individual, to ensure that the holocaust never happens again. In those days, there was no Holocaust memorial day. The idea of one had been floating around, but nobody had done much to bring it about. I thought I would make it my big campaign in Parliament to achieve that, so I introduced a ten-minute Bill, raised the matter with the then Prime Minister and enlisted his support. I am pleased to say that that ultimately led to the first Holocaust memorial day in January 2001. I am pleased about the great consensus in the country as a whole that it was a good idea, but I must point out that it was controversial at the time. Indeed, I was described in the *Daily Mail* as a "holocaust bore" because of my efforts to bring it about.

Mr. MacShane: Good old *Daily Mail*.

Mr. Dismore: Quentin Letts in fact.

There was much debate and argument about the holocaust day both within and outside the Jewish community. I was going around advocating the cause in synagogues and debating it with Jewish people. I spoke before the Board of Deputies of British Jews, where there was even one vote against; one can never get unanimity in the Board of Deputies. Ultimately, there was great support for my proposal, because the purpose of a Holocaust memorial day, as I, and I believe everybody else, envisaged it by the time that the debate had finished, was that it was different from Yom Ha-Shoah, when Jewish people remember their own loss. The purpose of the Holocaust memorial day was to engage the wider community in the debates, arguments and discussions that the Jewish people had had among themselves for a long time, to try to spread the word about what had happened and to ensure that as a result it never happened again. Of course, it is not only Holocaust memorial day itself that arose from this process. Holocaust memorial day is a focus for events and activities throughout the year in schools, communities and, in particular, among young people. I am pleased about the support that the Government have given for that.

My next visit to Auschwitz was made with my right hon. Friend the Member for Rotherham (Mr. MacShane) for the 60th anniversary commemorations of the liberation. The Duke of York, the Lord Chancellor and Lord Janner, who is a huge advocate for the cause, were also present. If anything brought home to me the experience, it was that occasion. It was not just the fact that so many people were gathered, or that so many survivors were still able to return, but the intense, freezing cold. We were wrapped up in I do not know how many layers, with big boots and hats on—the works—and chilled to the marrow, yet they were the conditions that the people who were liberated from Auschwitz had been able to survive in those thin striped prison uniforms.

We must remember the scale of the holocaust, its unique evil and the deaths of millions. As has been said, it was not only Jews who were killed, but political prisoners, gays, Roma and the disabled. In remembering them by the millions, we forget that each was a real person. That is why I also pay tribute to the efforts of Yad Vashem.

Last week, I was pleased to host the launch in Parliament of the "Guardian of the Memory" scheme. Yad Vashem held 3 million names, identifying Jewish victims, half of whom were children. Under the scheme, each will be remembered by a living person, whose commitment is to light a candle once a year on their behalf and to wear the Yad Vashem emblem while doing so. I asked Yad Vashem whether it could identify victims by occupation, and it went out of its way to do so. We identified 12 Members of Parliament—people like us here today—who had been killed in the holocaust. I asked 12 Members of Parliament, on a cross-party basis, to adopt their memory for the future. I think it is a wonderful scheme, and it has cross-party support.

My pledge is to commemorate the memory of Yitzkhak Sciaky, a Greek Member of Parliament who was killed in Auschwitz in 1942. Those who know me well, know that I have a Greek connection. Mr. Speaker has given me permission to tell the House that he, too, is participating by remembering the memory of Shaklina Shapiro, a metalworker from Poland. Mr. Speaker was keen to have somebody more akin to his trade union roots. The Foreign Secretary is participating, as is the Secretary of State for Communities and Local Government, who has adopted the memory of Sabina Shpilrein, a psychoanalyst whose rather colourful history was cut short in 1942. The Prime Minister has also expressed his support, and I urge other hon. Members to participate too. I am pleased that the Muslim Council of Britain has ended its boycott, and I hope that many more Muslim people will join the Holocaust Educational Trust on visits.

Some unfinished issues arise too, such as the Armenians' campaign for recognition. Some 1.5 million Armenians were killed by the Ottomans in 1915. When Hitler invaded Poland, he said:

"Who, after all, speaks today of the annihilation of the Armenians?"

We do not do so, officially, probably because of pressure from Turkey, where it remains a criminal offence to talk about the Armenians, despite the well documented historical facts of what occurred, including in this House's contemporary records. I was pleased that the Armenian ambassador came to speak to our local commemoration in Barnet last Sunday, which was the biggest outside the national commemoration. It is a disgrace that on last Sunday's Holocaust memorial day, the Armenian genocide memorial in Wales was desecrated, and I urge hon. Members to sign early-day motion 797 to express their condemnation of that.

I am not putting the case for the Armenian genocide to become the new start date, as it were, for Holocaust memorial day. Holocaust memorial day is about the holocaust, that defining event of the 20th century, and subsequent genocides. However, it is incumbent on us, if we are serious about examining the issues of genocide, to recognise officially what happened to the Armenians, as has been done in France, Germany and elsewhere.

I ask myself whether Holocaust memorial day, despite the original controversies, has served the purpose and objectives that we then set for it. Many more people are aware of what happened and why. The discussions and the debate are healthy in exploring the issues and making it far less likely that the holocaust would ever happen again in Europe. The very controversy over Holocaust memorial day, whether through the Muslims or over the Armenians, helps to raise those very important issues. On the fundamental question of whether it has prevented genocide, the answer is, regrettably, no. One has only to look at Darfur to see that. We still have a long way to go to achieve the humanity that Holocaust memorial day aims to achieve.

1.57 pm

Mr. Keith Simpson (Mid-Norfolk) (Con): I welcome the opportunity to make a short contribution to this debate. I am not Jewish. I am making this contribution as a consequence of once having been an historian. About 30 years ago, I was asked to write a book on the Waffen SS, the military wing of the SS. That involved a considerable amount of research, at the centre of which was the aim of trying to understand the racial motivation. It is frequently sidelined in many histories of the Nazi party and of Nazi Germany, but is the core element of the holocaust, which the national socialist state eventually referred to as the "final solution"—it meant just that. Many people suffered in the second world war at the hands of the Nazis and their collaborator—national groups such as the Poles and the Greeks; political parties, such as the communists, social democrats and Christian democrats; resisters; and members of the Special Operations Executive—but if one seriously wanted to get killed, one was Jewish. One was at the bottom of the pit. In a concentration camp someone might just have survived in any other category, but it was almost impossible for a Jewish person to do so. We saw that such camps became industrial complexes.

Wearing my historian's hat, I want to mention four or five points that remain relevant to us today, not least as democratic politicians. The right hon. Member for Rotherham (Mr. MacShane) touched on my first point. Amazingly, we still live in an age of holocaust denial, although the evidence about what happened is overwhelming. I am talking not only about the physical remains, the contemporary sources and the war crime trials, but, not least, the scholarship. It ranges from some of the earlier scholars such as Raul Hilberg, who wrote "The Destruction of the European Jews", to the more recent, outstanding and, in many ways, depressing work of Saul Friedländer, who has managed to pull together so much. The scholarship completely and utterly refutes what has been written by people such as David Irving.

The victims were Jews of all classes, backgrounds, ages and nationalities—assimilated and non-assimilated. They were, on the whole, innocent people. They were killed because of their race, not because of their politics, their religion or their social behaviour. That was what absolutely and totally motivated the perpetrators. We hear a great deal about functionaries of one kind or another, but there is no doubt that Hitler and the leading Nazis believed that there was a world Jewish conspiracy. They wound up the German war effort and made that policy its centre.

The sad thing is that without hundreds of thousands of people, not just in Germany but elsewhere in Europe—civil servants, soldiers, policemen, lawyers, doctors, academics, scientists and industrialists—it could not have happened. And, on the whole, those people were not reluctant functionaries. Then there were the collaborators, the European Nazis and anti-Semites. Again, the efficient removal of Jews from many countries would not have been achieved without the highly efficient civil servants and police in Holland, Vichy France and elsewhere.

Then we have the bystanders—the public, the neighbours, the democratic political parties, the Churches and, of course, the allies and the neutrals. I have often wondered what we would have done in the circumstances. I look at how many of us would behave at the prospect of our name appearing in the *News of the World*, if it were to e-mail us threatening to put us in one of its columns—*[Interruption.]* I am not making a flippant point: it was literally life and death for many Jewish people in the 1930s. If their neighbours helped them, they risked death too, as my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) said. Many people passed by on the other side.

Then there were the resisters—individuals and groups, from many nations and motivated by moral repugnance, neighbourly behaviour, resistance to the Nazis and courage. Many of them were ambivalent. The life of Oskar Schindler, made famous by the film, is an obvious example.

Whom do we usually remember? We remember the victims and the perpetrators, but we politicians in a democratic Parliament should take note of the collaborators and the bystanders. There was no inevitability to the final solution and the holocaust. It was incremental, and incremental in a way that could happen again. It is not enough that good men and women do nothing.

2.3 pm

John Mann (Bassetlaw) (Lab): I wish to pay tribute to the Smith brothers of north Nottinghamshire who have been crucial in the running and advancement of Holocaust memorial day over the years. They run the Beth Shalom holocaust centre in north Nottinghamshire, which every school, especially in the north of England, should aspire to visit as part of its educational programme.

I also wish to pay tribute to Lord Janner of Braunstone, who chairs the Holocaust Educational Trust. Among his many other major works on the issue, he has taken on the task of marking mass graves in the Baltic states, and I have had the privilege of assisting with that recently. It is a salutary lesson in history and in current events, because not every country in Europe—never mind in the world—marks Holocaust memorial day. Indeed, not every country is involved in advances in education on the holocaust. Many choose to opt out.

In Latvia, where mass graves are being marked and the work of Lord Janner is soon to be completed, the best-selling book this Christmas was by Andris Grutups, the co-founder of, and lawyer for, the ruling party of Latvia. He is a Member of the European Parliament and a historian. His book is an attempt to rewrite history in relation to the holocaust. His basic theory is best described as, "The Jews had it coming, because they were all communists." He suggests that a balancing of history is required. Of course, Grutups—who is, let us not forget, a political leader—has a track record. He has published books on the blood libel and on the Dreyfus case, which were also from a strange historical perspective—not unique, but one which would not be shared by the vast majority of historians or, indeed, any reasonable person.

On 22 January, in Tallinn, Estonia, five MEPs from five different countries met to launch a group called Common Europe—Common History. It has the same theme—the need for an equal evaluation of history. It is just a traditional form of prejudice, rewritten in a modern context. In essence, it is trying to equate communism and Judaism as one conspiracy and rewrite history from a nationalist point of view. Those are elected MEPs.

I hope that the Minister and his Department will consider how we can make progress on these issues in the European Union. One good way to mark the huge success of Holocaust memorial day in Britain this year would be to convene a Council of Ministers meeting to consider anti-Semitism today in the European Union and how it should be tackled in all member states. That would begin to tease out some of the prejudices that exist.

My final proposal is in relation to the United Nations and its infamous so-called anti-racism conference in Durban. Under the chairmanship of Libya, it is now proposed to hold a Durban II. The first conference broke up because of issues of anti-Semitism. I suggest to the Minister that he should either copy the example of the Canadians, who have already announced that they will not participate in Durban II or—perhaps more constructively—suggest that if there is to be a major UN conference on anti-racism, holocaust education should be at its core. It could then examine how all countries could participate in holocaust education and commemorating the holocaust through Holocaust memorial days.

2.8 pm

Dr. Julian Lewis (New Forest, East) (Con): When the allies overran the concentration camps at the end of the second world war, a parliamentary delegation was sent to visit Buchenwald. So distressing were the sights that those MPs saw that one of them, a lady called Mavis Tate, subsequently committed suicide. The very idea, at that time or in the years immediately following the war, that there could arise a school of thought that could seriously attempt to deny what had happened in places such as Buchenwald would have seemed patently absurd.

It was not until the early 1970s that I first heard of a publication called "Did Six Million Really Die?" At that time, it seemed totally bizarre that anyone could suggest that the holocaust had not happened, yet by dint of assiduous embroidery, the peddling of lies and the dressing-up of propaganda and deceit under a false label of historiography, that thesis has moved into a different arena. Everyone has heard of it, and organisations such as the Oxford union debating society think it appropriate to offer the privilege of a platform to its most notorious advocate, David Irving.

I found myself caught up in that dispute because, by sheer coincidence, I had been invited to speak at the Union a few days before the Irving and Griffin visit was due to take place. As a result of the invitation made to those people, I tore up my membership card, having been a member of the organisation for 37 years. I must have put my case across poorly, because time after time I was told that it was an issue of free speech—as though anyone had suggested that Irving and Griffin should not have the right to say what they wanted, as long as they did not break the law. In fact, the question was about who should have one or two of the limited opportunities to speak at the Union that are available every term. A Labour colleague put it far more effectively than I have: "Even fascists have the right to eat—but that doesn't mean you ought to invite them to dinner."

As a result of that little episode, which was widely reported, I received an e-mail from my cousin in Israel congratulating me on making that modest gesture. I was affected when I received that e-mail from my cousin Chana, because she was the only child from the village of Siemiatycze to survive the holocaust. She survived—she was about six at the time—because an extremely brave Polish farming family by the name of Krynski hid her, her parents and her grandmother in a bunker under a barn for more than a year and a half. If her family had been caught, they would have been annihilated and so would the Krynski family.

The Krynskis were very poor, and they saved my cousins because before the war my cousins had had a little shop on the market square, and sometimes the Krynskis did not have enough money to buy what they needed for the family. Without giving it a second thought, my cousins used to say, "Don't worry, Mrs. Krynski. Take what you need; pay when you can." Little did they think that that simple gesture of charity would one day save their lives. After the war, my

cousin's family moved to Canada and used to send parcels back to the Krynskis and do the best they could to support them in Poland. Later, they suggested that Mr. Krynski should go to Israel to be honoured for what he had done. It was a sad testimony to the state of post-war anti-Semitism in Poland that he decided, on the whole, that it would not be wise for him to be honoured in Israel for saving Jews and then to go back to live in that part of Poland.

On a brighter note, when I went to Siemiatycze for the first time in 2004 I saw the little shop—it is still there, although it is a flower shop now—and I met the young mother who lives in the little flat above it. I explained that I would like to have a look around, because my family had lived there. She asked whether my family intended to put in a claim to get the property back. I said, "No, that's all history now." "What a pity," she said, "It's a council flat. If you claimed it back, I might get a better offer!"

As my hon. Friend the Member for Wycombe (Mr. Goodman) said, I was privileged to be invited to represent the leader of our party at the excellent event in Liverpool. It was gratifying to see the Archbishop of Canterbury and the Chief Rabbi on the platform side by side, commemorating the holocaust. It was also excellent to see—and meet—the representative of the Muslim Council of Britain, who was attending the event for the first time. I said to him what I shall now say to the House: I look forward to the day when we see on that platform a high representative of the Muslim faith who is of similar rank to those who represent Christianity and Judaism. Then we will know that the Nazis really are on the run.

2.15 pm

Mr. James Clappison (Hertsmere) (Con): I shall be brief. I should declare an interest as a trustee of the Holocaust Educational Trust. I hope that that will not disqualify me from paying tribute to the excellent work of its dedicated and committed staff, in particular for their work among young people. I believe that there is no better way for young people to learn about the suffering that can take place in the world than through the unique horror of the holocaust.

I hope that my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) will not mind my saying that I found his speech very moving. He referred to the deepest degradation of the human spirit. Let us learn the lesson that that teaches us all. Let us give us full support to the Holocaust Educational Trust, Holocaust memorial day and every other possible way in which we can learn about that terrible horror and the lesson which it holds for us today.

2.16 pm

Mr. Dhanda: I know that the time available is short, and it is difficult to respond to such a moving debate. The right hon. and learned Member for Folkestone and Hythe (Mr. Howard), who moved me to get involved in politics in the past, moved me in a very different way today. I congratulate him on that.

The hon. Member for Wycombe (Mr. Goodman) talked about his roots and his family, like many other hon. Members—not least the hon. Member for Montgomeryshire (Lembit Öpik). The hon. Member for Wycombe also mentioned the fact that there were many victims from different backgrounds. Those victims included gay people, trade unionists and, as I learned on Sunday, well over 1 million Roma Gypsies, too. That point was well made. The hon. Gentleman talked about the wider work that needs to be done, as well as the work of the all-party inquiry, in which my hon. Friend the Member for Bassetlaw (John Mann) and other hon. Members have been very involved.

A number of pieces of work are taking place across Government as part of a taskforce on anti-Semitism, including work to tackle some of the issues mentioned by the hon. Member for Wycombe about our campuses and about security in schools. We look forward to providing a positive response to the positive and good work of the all-party inquiry.

My right hon. Friend the Member for Rotherham (Mr. MacShane) mentioned David Irving, and Nick Griffin, too. I think that he was trying to get across the point that not only should we find their views repugnant, but we should tackle the problem. It is not merely about history; it is also about what we do collectively from here on in. That is why the work of the Holocaust Education Trust and the DVD, which has won a BAFTA, will be so important for the next generation, as they will ensure that we do not lose those crucial lessons from the past.

The hon. Member for Montgomeryshire talked about the impact that visits to Auschwitz have had on young people—and older ones too, I dare say—in his constituency. I was lucky enough to meet a group of young people from Oldham who had visited Auschwitz and Srebrenica. They were a real mixture of Jewish, Christian and Muslim, and it was obvious that their lives had been changed forever. The opportunity to go together, as a group, has changed their perceptions of other people, cultures, religions and races. That is an immensely powerful thing.

My hon. Friend the Member for Brigg and Goole (Mr. Cawsey) talked about local ceremonies in his constituency. He asked about the £1.5 million set aside for the Holocaust Educational Trust, and whether that commitment would be continued. I cannot make announcements of behalf of other Departments, but I can say that strong and effective representations have been made in the debate, and I am sure that my colleagues in the Department for Children, Schools and Families will take them into account when making decisions in the future.

I have mentioned the right hon. and learned Member for Folkestone and Hythe already. He gave a very moving account of his own and his family's experiences, and also an important lesson about humility. In this House we can pass legislation on religious and racial hatred, but the right hon. and learned Gentleman was right to remind us that the law is not always enough when it comes to the extremes of humanity and people who do the most extraordinary and devastating things. We must do a lot more, and that is why this debate has celebrated the good works of the Holocaust Educational Trust and all those involved in Holocaust memorial day.

[Mr. Parmjit Dhanda]

My hon. Friend the Member for Hendon (Mr. Dismore) told us about his involvement in helping to institute Holocaust memorial day. I congratulate him on being there from the beginning; I had not realised the scale of the battle that he took on when he toured the synagogues of London, and probably beyond.

The hon. Member for Mid-Norfolk (Mr. Simpson) made a powerful point about bystanders. In life we can all be bystanders sometimes, but I hope that one result of the good work being done will be that in future, fewer of us will stand by when we see genocide, slaughter and ongoing destruction around the world.

I mentioned earlier the involvement of my hon. Friend the Member for Bassetlaw in the all-party inquiry; he also talked about the contribution that Beth Shalom is making in Nottinghamshire.

The hon. Member for New Forest, East (Dr. Lewis) described the powerful image from Sunday's event in Liverpool, when the Archbishop of Canterbury stood alongside the Chief Rabbi. I agree with him that it was also good to see the Muslim Council of Britain represented at the event. The hon. Member for Hertsmere (Mr. Clappison) set out his personal interest in these matters, and he deserves our congratulations.

The hon. Member for New Forest, East made the very good point that all religions and cultures need to be part of holocaust memorial day. So, in conclusion, let us never forget that the first person to contribute on the very first Holocaust memorial day was a Muslim who had been in a concentration camp in Bosnia.

It being one and a half hours after the commencement of proceedings, the motion lapsed, without Question put, pursuant to the Temporary Standing Order (Topical debates).

Lembit Öpik (Montgomeryshire) (LD): On a point of order, Mr. Deputy Speaker. I hope that it is in order for me to express my disappointment that, despite the quality of this debate, the Press Gallery has remained empty throughout, with the exception of the Press Association staff. I hope that the debate will be reported in a significant and positive manner, given the importance of the subject being discussed.

Mr. Deputy Speaker: That probably fails the strict test of a point of order, but the hon. Member has made his point.

Orders of the Day

National Insurance Contributions Bill

Not amended in the Public Bill Committee, considered.

Clause 1

AMOUNT TO BE SPECIFIED AS UPPER EARNINGS LIMIT: GREAT BRITAIN

Mr. David Gauke (South-West Hertfordshire) (Con): I beg to move amendment No. 8, page 1, line 5, at end insert 'and

(c) in subsection (6), at end insert "and may not include any increase in the upper earnings limit in excess of the increase in the retail price index, in percentage terms, for the year to September of the preceding tax year."'.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to discuss the following amendments: No. 10, page 1, line 5, at end insert 'and

(c) after subsection (6) insert—

"(7) Any regulations made under this section which increase the upper earnings limit shall be reviewed by the Treasury not later than 6 months after the date on which those regulations come into force to determine whether the upper limit, when calculated on an annualised basis, exceeds the level of earnings at which the higher rate of income tax becomes payable.

(8) If this review so determines, the Treasury shall make regulations which set the upper earnings limit, when calculated on an annualised basis, at a level which does not exceed the level of earnings at which the higher rate of income tax becomes payable.

(9) Any regulations made under subsection (8)

(a) shall be made by statutory instrument which is subject to annulment in pursuance of a resolution of either House of Parliament, and

(b) must be made not later than 1st January of the tax year in which they are made and have effect in respect of the following tax year."'.

No. 9, in clause 2, page 1, line 18, at end insert 'and

(c) in subsection (6), at end insert "and may not include any increase in the upper earnings limit in excess of the increase in the retail price index, in percentage terms, for the year to September of the preceding tax year."'.

No. 11, page 1, line 18, at end insert 'and

(c) after subsection (6) insert—

"(7) Any regulations made under this section which increase the upper earnings limit shall be reviewed by the Treasury not later than 6 months after the date on which those regulations come into force to determine whether the upper limit, when calculated on an annualised basis, exceeds the level of earnings at which the higher rate of income tax becomes payable.

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(b) must be made not later than 1st January of the tax year in which they are made and have effect in respect of the following tax year.".

Mr. Gauke: These amendments offer alternative ways to deal with what we perceive to be a significant problem with the Bill. I shall set out in detail how they would work, but before I do so I shall put the problem in context.

All hon. Members are aware of how important taxation is as a constitutional matter, and the House guards very jealously its right to raise revenue. In the broad historical sweep, for instance, the English civil war and the American revolution could be considered relevant to this discussion, although I shall not refer to them in detail. All parties in this House consider the proper scrutiny of revenue-raising measures to be very important.

This country has two forms of taxation on income—income tax and national insurance—and it is worth taking a moment to look at the different ways in which they are dealt with in this House. Income tax was introduced as a temporary measure in 1798; it was abolished five years later and then reintroduced on a permanent basis in 1842. Partly as an historical overhang, since 1860 we have renewed income tax every year, although previously it had been renewed over groups of three or seven years on a number of occasions. However, the review of income tax is also part of Parliament's power over the Executive, as the Crown cannot raise revenue if Parliament is dissolved. Corporation tax is subject to the same restriction.

In essence, this debate is about thresholds. Since the introduction of the Finance Act 1977, when the Rooker-Wise amendment was implemented, thresholds and personal allowances have increased in line with inflation; they do so unless Parliament expressly states otherwise. The clear intention was to prevent stealth taxation, as thresholds and allowances are both diminished by inflation. Of course, inflation in 1977 was somewhat higher than it has been for some few years now. We still have fiscal drag within a year, but not from year to year.

Parliament retains the ability not to uprate allowances and thresholds in line with inflation. Indeed, it exercised that power as recently as 2003-04, but it must do so explicitly. It does so through a Finance Bill. This is where I would like to make a comparison with national insurance contributions. With income tax, from the point of view of the taxpayer, the concern is that thresholds will not increase in line with inflation. Our practical concern with national insurance contributions is with the upper earnings limit increasing faster than the rate of inflation. There is also a concern—it is probably more theoretical than practical—that the lower earnings level or primary threshold could fall, but at a practical level the political debate over many years has been about whether the upper earnings limit might increase more rapidly.

2.30 pm

The contrast between national insurance contributions and income tax is considerable in that respect, because thresholds regarding national insurance contributions are determined by regulation, as opposed to primary legislation or a formula that can be amended through such legislation. Section 1 of the Social Security Pensions Act 1975 provides a safeguard, however. The upper earnings limit cannot be increased by more than seven and a half times the lower earnings limit, or by less than six and a half times the lower earnings limit. Why? Such an arrangement prevents abrupt changes in the scope of national insurance contributions without proper parliamentary scrutiny.

On looking at the debate on Second Reading and in Committee on that legislation, I noted that the concern expressed in Committee was that the provisions were unduly flexible and that six and a half to seven and a half was too wide a band to permit the Government to vary the national insurance contributions upper earnings limit. I also noted that representing the Opposition on that occasion in 1975 was my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke), who raised some important points about flexibility. It shows that things do not necessarily change as much as they might do. The concern in 1975 was that the provisions were too flexible. Clearly, Parliament was provided with an opportunity to restrict the power of the Executive to vary the upper earnings limit unduly and rapidly to increase the upper earnings limit to make a substantial increase in the tax on income that people in the United Kingdom would face.

That brings me to one of the major problems that we have with this Bill. Clause 1(1) abolishes the ratio and the protection that mean that only so much can be done by regulation.

Mr. Mark Field (Cities of London and Westminster) (Con): It gives us insight to have that perspective on the matter. Indeed it shows that there is a comparator, albeit in different contexts, for national insurance and income tax. Would my hon. Friend like to go into detail as to why he believes the Government have sought in that way to break down the safeguard to which he has referred?

Mr. Gauke: My hon. Friend asks a good question. We raised that issue in Committee. Under the new procedure for Public Bills, we were able to ask both the Financial Secretary and her officials that question at the evidence session. The answer was somewhat limited. All we heard was, "It gives us greater flexibility." Let me quote the Financial Secretary:

"We see no reason to reintroduce an arbitrary ratio, given our proposal that future changes to the upper earnings limit will be subject to approval by both Houses of Parliament." *[Official Report, National Insurance Contributions Public Bill Committee,* 15 January 2008; c. 44.]

However, that is not a satisfactory justification, because if an arbitrary ratio was good enough for Barbara Castle, and indeed for my right hon. and learned Friend the Member for Rushcliffe, in 1975, I do not see why a ratio is not appropriate for us now. The arguments remain the same.

Mr. Field: We had an excellent engagement in the evidence session in Committee. Is my hon. Friend saying that the reality is that we should respect the notion of a ratio, but there is an argument that suggests that the bands within that ratio be changed? Surely it

[Mr. Mark Field]

cannot be the view of the Government, and I would imagine that it is not the view of Opposition Members, that the notion of a ratio itself is defunct.

Mr. Gauke: I do not think that the argument for abolishing the ratio has been made: at least, not terribly persuasively. I shall come in a moment to the detail of our amendments, in which we have attempted to outline alternative ways to address that concern. I am not saying that I am necessarily wedded to the idea of a ratio, but that is how Parliament's position has been protected for the past 33 years, and it may be the best way to protect it in future. We can examine other ways. My hon. Friend will recall that we considered the ratio argument in Committee.

I understand that the Government are trying to align national insurance contribution rates and bands with those for income tax. Although I am concerned that their way of doing it is motivated principally by the aim of raising revenue, the objective of aligning the two is a perfectly respectable and honourable one to which we have no particular objection. It is fair to say that publications such as the Forsyth report were instrumental in encouraging the Government to go down that route or at least to place greater emphasis on simplification. We do not have any problem with that, so we are keen to be helpful to the Government, notwithstanding our concerns about the revenue-raising element. We are willing to help the Government achieve their objective while providing some protection for Parliament; that is the basis of the amendments that we have tabled in Committee and today.

Various calculations were done on widening the bands. For the first time in some while, I got out my calculator and tried to work out what ratio would be needed, given that the upper point is seven and a half times what is now the primary threshold. It is a difficult sum to calculate in some respects, because one must look at future years and so on, but it is clear that if the existing ratio is breached, it will be breached by only a relatively small amount. One idea, which I think the hon. Member for Taunton (Mr. Browne) proposed, was that the primary threshold could always be increased a little if the ratio would be breached only by a small margin.

One of our proposals in Committee was to widen the bands, as my hon. Friend the Member for Cities of London and Westminster (Mr. Field) mentioned, so that eight would be the top point rather than seven and a half. Quite possibly Treasury officials have done the calculations—if so, I should be interested to hear what the Minister says about it—but I do not think that there is any doubt that a ratio of eight times the primary threshold as the maximum point would cause the Government any difficulties in achieving their stated objective. One approach would be to consider that ratio. We debated and voted on that proposal in Committee, so it could not be brought back on Report, but it is an idea to which we are sympathetic.

Mr. Field: To clarify the issue, is my hon. Friend saying that abolishing the ratio will entirely do away with the protection put into place a third of a century ago that allows Parliament to have its say on the matter, and that as a result this House will have no say on whether to hold back from an arbitrary correction—from the Government's perspective—of national insurance thresholds, particularly at the higher end?

Mr. Gauke: My hon. Friend sums up the position well. For the sake of completeness, let me add that there is the matter of regulation, which would be introduced through the affirmative procedure. No doubt the Minister will make that point.

It might be helpful to compare two very similar tax changes—a failure to uprate the threshold for income tax in line with inflation and an increase in the upper earnings limit. A failure to uprate a threshold for income tax would be announced in the Budget. Under the previous Chancellor it was unlikely that it would be announced in the Budget speech, but it would appear in the Red Book. There would then be four days of debate on the Budget, followed by a vote on a Budget resolution that, as I understand it, would include the income tax element. The resolution would be implemented through a Finance Bill. There would be a Second Reading debate on the Bill, and the income tax element would be a major part of the Bill. One can imagine an Opposition opposing a Finance Bill on the grounds of a failure to uprate income tax.

That would almost certainly be one of the issues debated by a Committee of the whole House considering such a Finance Bill. The issue would presumably not be debated in Committee, but would certainly come back on Report and Third Reading. So by my reckoning, in the circumstances that I set out, a failure to increase the threshold for income tax would be the subject of up to seven days' debate on the Floor of the House and at least four votes of the House—not of the Committee, but of the House.

By contrast, a tax increase on income, which is in many respects similar to the case that I described, such as raising the upper earnings limit, would be the subject of one debate in Committee, lasting perhaps two and a half hours, followed by one vote in Committee. In one case there would be a much superior method of parliamentary scrutiny. There is hardly any comparison between the two cases, and that is difficult to justify.

Mr. Field: Is not one of the biggest concerns the fact that the change is pretty high profile in people's minds and affects everyone in the workplace? Whatever their level of earnings, they pay national insurance. As a result, if the Government had their way on the matter and did not allow full scrutiny, the measure would go through on the nod and would not be scrutinised as it should be, not just on the business pages, but beyond. It would not be treated like other matters following a Budget. I do not believe that the Government are being dishonourable or disrespectful, but the change goes to the heart of what many of our constituents feel about paying tax in the broader sense—income tax or national insurance. These issues should therefore be at the forefront of a readily understandable Finance Bill debate, rather than discussed in a Committee Room.

Mr. Gauke: My hon. Friend is right. The matter would be at the heart of any debate about our finances and our taxation system.

In Committee we touched on the 1992 general election, which some hon. Members remember better than others and some remember more fondly than others. The Labour party, which was in opposition at the time, was proposing the abolition of the upper earnings limit. Clearly, the Government's position has changed. I regret that amendments tabled by the hon. Member for Hayes and Harlington (John McDonnell), which would have had the effect of reverting to the 1992 position by abolishing the upper earnings limit, were not selected. The proposal may well return. I would argue against the abolition of the upper earnings limit for reasons of concern about tax burden, but it is a perfectly respectable position to take.

It is not this Government's position, but it is not inconceivable—it is unlikely, however, and certainly would not be in Britain's interests—that a Government with a manifesto pledge to abolish the upper earnings limit will be elected. Clearly, that Government would be entitled to abolish the limit, but they should be able to do so only if there were proper parliamentary scrutiny and if all the expected procedures were gone through. The Bill does not provide that protection.

2.45 pm

Peter Viggers (Gosport) (Con): In a throwaway line in his Budget, the previous Chancellor of the Exchequer put a tax of some £1.5 billion on middle-income families; he simply referred to a change in the upper earnings limit. Does my hon. Friend agree that if the safeguard is removed, that can only lead to the conclusion that the Government are preparing, and intending one day, to use the changes in respect of the removal of the safeguard? Perhaps they will come back with a proposal under the negative procedure, which does not require any debate on the Floor of the House. Having been bitten once, we should fear being bitten again.

Mr. Gauke: I am grateful to my hon. Friend, who raises a concern that many have. To be fair to the Government, their position is explicitly that the issue is part of the realignment process and that the upper earnings limit will not exceed the point at which people start paying higher rate income tax. The Financial Secretary gave that commitment in Committee, and I do not doubt her integrity.

However, we all move on at various times. In the words of Robin Day, we are all "here today, gone tomorrow" politicians to some extent, although I am sure that the Financial Secretary would move on only to even greater things. We find ourselves in the position of not having the legislative protection in the system. We are relying on a commitment—and that is unsatisfactory, given that previously we have had real protection in the system.

Mr. Field: We have had a hypothetical debate about the abolition of the upper earnings limit, but there is a slightly more relevant and recent point and it would be interesting to have an idea of how the Government would treat the issue. Four or five years ago the decision was made to invest in the national health service and it was decided that there should therefore be an increase of 1 per cent. right the way through national insurance, effectively abolishing the upper earnings limit in respect of that 1 per cent. additional element. Will my hon. Friend say what safeguards were put into place then and how they might differ if the Government get their way in the Bill?

Mr. Gauke: My hon. Friend makes an interesting point, which leads me to this observation. I will not dwell on the point, but a certain Labour Government had been elected on a pledge that they would not increase the rates of income tax. They then increased national insurance contributions and said, "Well, that's not income tax." Given that precedent, if at a future election a party—it could be either party—made a pledge not to increase income tax, could anything stop it increasing national insurance contributions above the upper earnings limit or abolishing the limit? That is an interesting point, which relates back to what my hon. Friend the Member for Gosport (Peter Viggers) said. There is a suspicion that a door is being left open. We know from yesterday's Institute for Fiscal Studies report that the Government's public finances are in a mess; there is an £8 billion black hole.

Madam Deputy Speaker (Sylvia Heal): Order. I hope that the hon. Gentleman will not stray far into that report.

Mr. Gauke: I am grateful, Madam Deputy Speaker; I think that I probably said what I wanted to say. Clearly, there is a concern about public finances, and in such circumstances suspicions may grow.

I should also say—I assure you that I will make this point very briefly, Madam Deputy Speaker—that although the Government have made a commitment not to increase the upper earnings limit above the point at which higher rate income tax is payable, they also made a commitment at the last general election to have a referendum on the European constitution.

Mr. Field: You will be glad to know, Madam Deputy Speaker, that I am not going to respond to that point.

The issue is not whether there are commitments, important though they are against the backdrop of a general election and thereafter, but whether there is a proper means of scrutiny on the Floor of this House instead of necessarily going upstairs into Committee. Will my hon. Friend confirm that the risk of going down the route proposed by the Government is that we will not have the opportunity for scrutiny that we have had in the past in relation to changes in the national insurance regime?

Mr. Gauke: My hon. Friend is being very helpful. That is exactly the issue. I do not particularly want to debate the rights and wrongs of abolishing the upper earnings limit—nor, I suspect, is it in order to do so—but if that were to happen, or even if it were merely to be increased substantially, would the House have the opportunity to scrutinise it properly? We have such an opportunity under the existing legislative framework, but we will not if the Bill is passed in its current form. That is an important point. I stress that we object not to Parliament's ability to change the upper earnings limit—of course Parliament should have the right to do that—but to its not being able to do so by regulation, even by the affirmative procedure.

[Mr. Gauke]

We have set out two alternative approaches—they do not run together—for ensuring the scrutiny that we want. In amendment No. 8—which is mirrored by amendment No. 9 because we need to change two Acts in this process, one relating to England, Scotland and Wales and one relating to Northern Ireland—we suggest that there should be no increase in the upper earnings limit in excess of the retail prices index in September of the previous year. When we tabled a similar amendment in Committee, the Financial Secretary said that the reference date for national insurance contributions is December, not September, so we have rectified that error. She also said that December was not feasible because it would cause various IT costs and so on. That was essentially her argument against the link with the RPI. This is similar to the Rooker-Wise approach whereby thresholds for income tax increase in line with the RPI for September in the previous year. If the higher rate income tax threshold rises along with inflation, based on the RPI in September, and the upper earnings limit rises along with inflation using the same measure, they should continue to go hand in hand, which would enable the Government to fulfil their objectives.

Neither of our sets of amendments aims to prevent the Government from achieving their stated policy objective of aligning the point at which the upper earnings limit exists and the point at which one starts paying higher rate income tax. The Financial Secretary might argue that they do not quite reflect the provisions that relate to income tax and the Rooker-Wise amendment. If so, would she object to the principle of the amendments, given that her objection to the equivalent amendment in Committee was essentially that December was the wrong date and that it should be September? Now that we have rectified that problem, does she have any objections to the amendment?

The wording of amendment No. 10 is replicated in amendment No. 11. Depending on what the Financial Secretary says, we might well press amendment No. 10 to a Division. We might press for a vote on amendment No. 8, too, but I will wait to hear what she says before reaching any conclusions.

Amendment No. 10 is a development of an amendment that we tabled in Committee to probe the Government. At that point, we proposed to allow the upper earnings limit to be increased as long as it did not exceed the level at which higher rate income tax becomes payable.

The Financial Secretary advanced two arguments—two technical points—about why that would not work. The first was that national insurance contributions are calculated weekly whereas income tax is calculated annually. She construed our amendment—possibly a little harshly, but I concede that there was an ambiguity in it—as meaning that the relevant income tax level of, for example, £43,000 a year would be treated as a weekly limit. That was not our intention, and I believe that we have ended any ambiguity on that point.

I concede fully the right hon. Lady's second objection, which was that national insurance contributions are determined by regulation before the beginning of a tax year. Income tax is not formally determined until the Finance Bill is enacted. Our proposal in Committee that the national insurance contribution upper earnings limit should not be raised above the point at which higher rate income tax becomes payable did not work because at the point where a regulation would have to be passed the Finance Bill would not have already gone through, even though an announcement would have been made in the Budget and there may be Budget resolutions.

We accept that argument, which is why we have come back with a different solution. It is not the most elegant piece of drafting that has ever come before the House, but it attempts to address in good faith an entirely legitimate concern. We propose that within six months of the regulation setting the upper earnings limit—in other words, six months into the financial year—the Treasury will be required to review whether the upper earnings limit is above the level at which higher rate income tax is payable. If it is, we would then require the Treasury to bring forward regulations to reduce the upper earnings limit below the higher rate of income tax as existed at that time for the following year.

That proposal would cause considerable inconvenience to the Treasury, and I make no apologies for that. The purpose of the amendment is to provide a deterrent to prevent any Government from activating the mischief to which I referred earlier. A Government would be able to raise the upper earnings limit through primary legislation, but if the limit were increased by regulation higher than the Government said that they intended, they would have to go through the embarrassment of producing a further order stating that they were wrong and that the upper earnings limit would be brought down the following year.

The Financial Secretary to the Treasury (Jane Kennedy): The hon. Gentleman is making a thoughtful speech and I am listening carefully to his suggestions. Does he accept that a review is already conducted in the late summer or early autumn in the form of the pre-Budget report?

3 pm

Mr. Gauke: I accept that a review takes place. However, amendments Nos. 10 and 11 deal with circumstances in which a Government raise the upper earnings limit with intent, not accidentally. One can imagine a meeting in the Treasury around this time of year in which the view is expressed, "We need to raise a bit more revenue—how are we going to do it?" Someone then comes up with the bright idea of increasing the upper earnings limit. An investigation takes place to ascertain how that can be achieved and what is to prevent it from being done through regulation.

Until now, the ratio to which I referred earlier prevented that, but, in future, that protection will not exist. Someone could therefore say, "Let's bung up the upper earnings limit from £43,000 to £50,000 or £60,000 and we'll get the extra revenue." If the amendments were accepted, and Ministers and officials considered that proposal, another bright spark in the Treasury—where there are many bright sparks—would say, "Hold on. We'll have to go through the review in early October and introduce a further regulation,

which means that, next year, the upper earnings limit will be reduced." That would be an uncomfortable experience.

The amendments would be effective if an error or a misalignment by a small amount occurred, but they apply mainly in the case of a brazen breach of a commitment made by Government. As I have said, they would not be binding for ever, but they would cause some inconvenience that should dissuade a Government from taking a path that hon. Members of all parties do not believe any Government should follow. That is the essence of our case. I stress again that it would not prevent the upper earnings limit from being changed, but it stops that happening by regulation and inadequately.

Let us make a comparison with income tax, which is similar to national insurance contributions. We know from the evidence-taking session that the Government have no proposals to merge them. We all acknowledge that there are great similarities between them, but a comparison of the parliamentary scrutiny that both get shows that national insurance contributions already get substantially less consideration. That will be reinforced if the Bill is passed in its current form. Our amendments attempt to rectify the problem to some extent and without jeopardising the Government's stated objectives.

We offer two alternative routes. Unless some mechanism is put in place—restoration of the ratio or either of the two amendments—the Bill will be dangerous and leave our taxation system open to abuse from a Government, whether the current one or a future Administration. We will therefore press one of the amendments to a Division, depending on the Financial Secretary's comments.

Mr. Jeremy Browne (Taunton) (LD): I am grateful for an opportunity to speak briefly in the debate because there is a reasonable amount of consensus, which is perhaps reflected in the absence of a fevered atmosphere in the House.

My party supports the overall principle of simplification in the tax system. We regret, however, that the simplification has been given something of a bad name by the proposals before us, because it has been achieved as a by-product of an increase in overall tax revenue of about £1.5 billion. The public respond well to the idea of being better able to understand the tax burden that is placed on them, but not when a degree of sleight of hand is deployed to relieve them of some of their income in the process. The Budget left millions of losers: more than 5 million people were net losers. I always object when people talk about the abolition of the 10p rate of income tax. In my view, the 10p rate was not abolished; it was doubled in the budgetary proposals. That is the context in which we are having this conversation today.

National insurance is, in the view of most people who look at their payslips, to all intents and purposes a different form of income tax. We can debate at great length why it is different because of how it is calculated and when it is collected, but when people look at the total amount of their pay before taxation, I think that most would agree that the two amounts taken off at the bottom of their payslip have a broadly similar effect.

The 7.5 per cent. multiplier acts as a useful restraint on the Government and perhaps prevents some sleights of hand—or, to go a bit further, potential abuses—that might otherwise take place. The view that I took in Committee, and continue to take today, is that removing that multiplier at the upper limit—the 6.5 to 7.5 per cent. band—will present certain hazards of which we should be mindful. The hon. Member for South-West Hertfordshire (Mr. Gauke) ran through them for our benefit this afternoon.

The hon. Gentleman has effectively tabled two amendments on this matter. Amendment No. 8, which links the increases to the rate of inflation, is the better of the two, and my party would be minded to support it for the reasons that he gave, and because we wish to see proper scrutiny and some restraint placed on this Government and future Governments in this regard. I understand the motivation behind amendment No. 10, but I am perhaps slightly less optimistic than he is about the effectiveness of a process that would involve the Treasury conducting a review of itself before taking any action. My inclination is to believe that such a review would conclude what those who had set up the review wished it to conclude, at its inception.

Mr. Gauke: I should like to make a point in defence of amendment No. 10. Does the hon. Gentleman agree that it is a question of fact—I believe that there is sufficient certainty for this to be practical—whether the upper earnings limit exceeds the point at which higher rate income tax becomes payable? If that were simply a question of fact, and not one of interpretation, it would be unfair to suggest that the Treasury would not look at the matter with complete integrity. This is therefore a test that has sufficient certainty at the very least. This is not a complicated matter; it is a question of doing some sums. Given that we should set the requirement that the Treasury do the sums, I am confident that it would come back with the correct answer.

Mr. Browne: I am genuinely grateful—I am not merely expressing the customary courtesy of the House—to the hon. Gentleman for that intervention. It was most useful. I take his point that, if we were measuring something that was a matter of fact—a number—the review would have much less scope for flexible interpretation.

The hon. Gentleman was good enough to refer earlier to a comment that I made in Committee—that if the Government of the day wanted greater flexibility at the top of the range, they could achieve that by increasing the number at the bottom of the range. The 7.5 per cent. multiplier would therefore go higher up the scale, if one wished to see it in those terms. I regret that the Government are seeking extra leeway in regard to placing a tax burden on people earning about £40,000, but not seeking to establish a corresponding loosening of the tax burden on those at the lower end of the scale who would benefit the most from being able to spend a greater proportion of their own money as they saw fit.

That said, I do not think that this Bill is the most controversial item of legislation that we will consider in this Session of Parliament—*[Interruption.]*—or even this week. It is worth scrutinising properly, however. We looked at it in detail in Committee and I continue to take the view that, although the Government are not

[Mr. Jeremy Browne]

seeking to abuse their position, the safeguards in the amendments provide a useful way of ensuring that that remains the case in the future as well.

Peter Viggers: The attitude of the hon. Member for Taunton (Mr. Browne) to the Bill is fairly friendly, but mine is not. I believe it to be a nasty little Bill, whose effect will be to impose taxation of £1.5 billion on those earning between £37,000 and £43,000. It was introduced as an afterthought—or rather to give the appearance of being an afterthought—to the Budget. The amendments so ably spoken to by my hon. Friend the Member for South-West Hertfordshire (Mr. Gauke) would be effective in helping in one way, but the main thrust of the damage will remain.

Mr. Browne: To clarify my earlier point, one may or may not believe that the changes in taxation are objectionable—I happen to think that there is some sense in not having a huge dip in the marginal rates of someone earning £38,000; the rates are more advantageous than for someone earning £28,000—as one can legitimately debate them. However, I was saying that the Bill to enable the Government to make those changes is not necessarily as objectionable as the hon. Gentleman might find the changes themselves.

Peter Viggers: Indeed, but for this Government, harmonisation is always harmonisation up in respect of taxation rather than harmonisation down or evenly.

The origin of the lower and upper earnings limit and the six and a half and seven and a half multiple limit on the size of the UEL lies, of course, as my hon. Friend the Member for South-West Hertfordshire pointed out, in the transition from national insurance contributions to an earnings-related contributory system in the mid-1970s. When national insurance contributions were first introduced in 1911, they were flat rate and continued to be so until world war two, although they were varied by age and sex. Partially earnings-linked graduated contributions were added to the structure in 1961, but it was not until 1975, as my hon. Friend said, that national insurance contributions became fully related to earnings. As part of that reform, lower and upper earnings limits for contributions liability were introduced.

A lower limit was required for practical and administrative reasons and to concentrate contributions and benefits on people who depended substantially on income from work. The lower limit was linked to the level of the basic retirement pension and an upper limit was required to prevent excessive burdens and the acquisition of very high benefit entitlements. Those limits had been set in statute and considerable thought was given to them, as my hon. Friend noted, in the 1975 legislation. At that time, the Government deliberately set themselves a longer-term framework within which national insurance contributions were to be levied.

The press notice put out by the Treasury at the time of the Budget is worth citing:

"Current Social Security legislation requires the maximum UEL to be less than seven and a half times the Primary Threshold. The Primary Threshold is the point at which Class 1 NICs become due. Changes to the UEL below this amount are made by Regulations annually. Any change to the UEL above this maximum requires primary legislation in a NICs Programme Bill",

which is, of course, what we are facing now. It continues:

"The first step in the alignment of the UEL...with the amount at which higher rate tax is payable will be made in 2008 by Regulations and the Re-rating Order respectively. The second step for the UEL alignment will be made in a NICs Programme Bill in time for a start date of April 2009".

By setting a framework that made it necessary for the Government to come back to the House with primary legislation before raising the national insurance contributions upper earnings limit, the Government deliberately set themselves a structure that would be self-inhibiting in preventing them from raising taxes lightly—because national insurance contributions are indeed a tax.

3.15 pm

My hon. Friend has pointed out the deliberately cumbersome legislative programme that would be necessary were the seven and a half times limit to be broken. For us to agree, as the legislation proposes, that it should be possible for the Government to come back by way of affirmative resolution would make it so much easier for them to increase the burden of taxation on individuals in this country.

The amendments proposed by my hon. Friend—of those, I prefer amendment No. 8—are well judged. Amendment No. 10 would oblige the Treasury to audit its own procedures, which might introduce a rod for its own back, had it not fulfilled the requirements of those procedures. I do not share my hon. Friend's confidence that the Treasury could do that and create, as it were, a burden for itself. I much prefer amendment No. 8, which I strongly support.

Jane Kennedy: I thank the hon. Member for South-West Hertfordshire (Mr. Gauke) for tabling the amendments. I also compliment the House business managers, who arranged for this debate to take place after the debate on Holocaust memorial day. That allowed me to come and listen to one of the best debates I have heard for a long time—after this one, of course.

The amendments are prompted by concern that the Bill will somehow reduce parliamentary scrutiny of secondary legislation setting the upper earnings limit, by abolishing the restriction. As Opposition Members described, that restriction limits the raising of the upper earnings limit to seven and a half times the primary threshold. The hon. Gentleman advanced his case in a spirit of helpfulness, for which I am grateful, and broadly based his arguments around the premise that Britain should be protected from a Government who might be motivated to use the upper earnings limit as a tax-raising opportunity, if it were not tied in some way to the lower limit.

It is perhaps worth noting that there was once an upper earnings limit for employers—Members will know that national insurance contributions are paid by employees and by employers—but in 1985 the Government abolished it. The abolition of that upper limit and the introduction of that principle netted the

Government £1 billion at 1985 prices. It is also worth noting that that proposal was not in their manifesto. I make those remarks gently.

The point that the hon. Gentleman made and the principle that he put forward are valid for debate, and I am sure that we would be advancing those arguments were I in his post, but we should take a moment to describe what happened. Historically, the lower earnings limit was set at a quarter of average earnings, whereas the upper earnings limit was set at one and a half times average earnings. That ratio was broadly maintained, but greater flexibility was introduced when the lower earnings limit was statutorily linked to the basic category A state pension. Its uprating then followed the switch from the link with earnings to that with prices.

Treasury Ministers announce the NICs rates and thresholds for the forthcoming year at or around the pre-Budget report. The Government Actuary's Department then produces a report on the impact on the national insurance fund of the changes announced, particularly whether the balance of the fund will be 17 per cent. of benefit expenditure, because the fund cannot borrow.

The report is then laid before Parliament, and a set of regulations and an order, which make the changes to national insurance rates and thresholds, are laid in January, or thereabouts. I think the next measure to be debated will be dealt with in February. The Department for Work and Pensions then lays regulations, which change the contributory benefit rates at the same time. Decisions made in this context are often scrutinised not just publicly but in the House. The timing of the regulations gives employers and payroll providers time to prepare for 6 April. I made that point in Committee, and I note that the hon. Member for South-West Hertfordshire has accepted some of the case that I made then. Like the hon. Member for Cities of London and Westminster (Mr. Field), who is not in the Chamber—no doubt he has been called away—he was keen to ensure that proper scrutiny took place.

We are not attempting a sleight of hand or a Macchiavellian move. Our intention is to align the lower earnings limit for national insurance contributions with lower tax rates, and to align the higher limit with higher tax rates. Our purpose is to simplify the tax process, not to use it as a potential for future tax increases.

All income tax changes are discussed at length in the Budget and Finance Bill debates. National insurance contributions have always been arranged by means of regulation, and over time that has proved an effective way of allowing parliamentary scrutiny. Although such scrutiny never seems adequate to those in opposition, I assure the hon. Member for South-West Hertfordshire that a Minister feels well scrutinised as a result of statutory instrument debates. If on occasion they do not last as long as they might, that may be because the issues are not as controversial as people fear that they might be if the Government abused the process.

A strong case has been made for amendment No. 8, which aims to restrict the rise in the upper earnings limit. I realise that the hon. Member for South-West Hertfordshire has changed the proposed date in response to what I said in Committee, but we have similar problems with this amendment. We would not be able to align the upper earnings limit for 2009-10 with the point at which higher rate income tax becomes payable, which we announced that we would do in the 2007 Budget. The limit could not be raised by £800 plus the retail prices index. That would remove the main purpose of our Bill, and a significant simplification of the tax and national insurance contributions system would be lost.

Accepting the amendment would cost about £700 million, which is no mean matter. That would restrict the Government's ability to take further action on, for instance, child poverty and lifting pensioners out of tax, as proposed in the personal tax package announced in the 2007 Budget.

The hon. Member for Gosport (Peter Viggers) described this as a mean little Bill—I paraphrase his comments—and spoke of the tax hit on those earning at or above the upper earnings limit. I can reassure him that the large majority of taxpayers will be no worse off, as the reduction in the basic rate of income tax from 22p to 20p—the lowest rate for more than 75 years—will compensate for the increased amount of national insurance that they will pay.

Peter Viggers: I think the Financial Secretary said that no one would be worse off, but the statistics show that 5.3 million people will be worse off. She told the Committee that 3.5 million people would be worse off by less than £3 a week, which means—if my arithmetic is correct—that 1.8 million people will be worse off by more than £3 a week. Is that correct?

Jane Kennedy: I did not seek to imply that nobody would be worse off, but the vast majority of taxpayers and pensioners will be better off as a result of the reforms in the 2007 Budget. Most employees earning at the upper earnings limit or above will be better off, using the 2008-09 tax year as an example. The loss of the starting rate band means that they are better off by £232 per annum. The raising of the upper earnings limit to £770 means that they are better off to the tune of £390 a year. The reduction of the basic rate to 20 per cent. means that they are £673 worse off. So overall they are £51.60 a year better off.

There are groups that are worse off—about 300,000 taxpayers at the upper earnings limit—and I have answered questions recently that make that clear. We anticipate, however, that the vast majority would be better off or no worse off as a result. Our intention in making the changes was to introduce a much simpler personal tax system—one of the simplest in Europe and the developed world.

Amendment No. 10 would also amend clause 1, and is an alternative to amendment No. 8. It would allow the upper earnings limit to be set without the current restrictions and subject to approval by both Houses of Parliament. However, it would then introduce the review, which we have had exchanges about. Under the amendment, after the regulations came into force the review would examine whether the upper earnings limit calculated on an annual basis exceeds the level of earnings at which higher rate tax becomes payable. If there is such a difference, the Treasury would need to make new regulations by the following January that

[Jane Kennedy]

would apply from the following April." Broadly, that is what the amendment asks us to undertake.

In principle, I have no objection to the Treasury's reviewing its work. It conducts such work thoroughly and there should be no reason for anybody to doubt the integrity of any review, but the amendment is unnecessary. The upper earnings limit and the level of the higher rate tax threshold will be announced at the time of the pre-Budget report. Announcing the levels then is necessary in order for changes to national insurance contributions legislation, guidance and software changes to payroll systems to be put in place for the next tax year. The regulations that set the level of the upper earnings limit will already be subject to affirmative resolution. I have argued that that is a perfectly proper means of parliamentary scrutiny.

The change suggested by the amendment would be inconsistent with the Bill's objective, which is to allow alignment of the upper earnings limit with the level at which higher rate tax is paid. The change proposed in the Bill should not give any cause for concern in terms of parliamentary scrutiny. We have the necessary parliamentary controls in place because the regulations will be subject to careful scrutiny under the affirmative procedure. The Bill provides the correct balance between allowing appropriate scrutiny and not putting pressure on limited parliamentary time for other legislative objectives. I therefore hope that the hon. Member for South-West Hertfordshire will withdraw the amendment.

Mr. Gauke: I am grateful to the Financial Secretary for her thoughtful response. That has been characteristic of the tone throughout the progress of the Bill; we have managed to maintain a reasonably cordial and thoughtful approach. However, I must respond to one or two points. On her comment that the employers' upper earnings limit was abolished in 1985, I am running the risk of asking a question when not knowing the answer, but I do not know what the process was and whether it was done through primary legislation. The essence of my argument is that if steps such as those we are discussing are to be taken, that must be done through primary legislation. I should add that I was probably 13 at the time, so I do not feel too responsible for what was done then. If my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) were present, he might be able to tell us more.

3.30 pm

I shall deal with the Financial Secretary's arguments on amendments Nos. 8 and 10. She makes the case that national insurance contributions were debated on a large number of occasions, but again, they were all during Committee. She says that such contributions have always been handled by regulation, but that has always been done within the framework of the restrictions that I described.

The Financial Secretary's argument on amendment No. 10 was essentially that it is unnecessary and that there is no cause for concern. I shall not repeat my arguments as to why there is a cause for concern, because we will not reach agreement. She also said that it was inconsistent with the objective of aligning the national insurance contributions upper earnings limit with the point at which one starts paying higher rate income tax. The purpose of amendment No. 10 is to ensure that they are aligned. As long as they are aligned, the procedure set out in amendment No. 10 will not come into play, so I am not convinced by her argument.

I am often convinced by the remarks of my hon. Friend the Member for Gosport (Peter Viggers), with whom I served on the Treasury Committee for some months. I always listen closely to his remarks. The fact that they coincided with the comments made by the hon. Member for Taunton (Mr. Browne) is neither here nor there. He particularly liked amendment No. 8.

The Financial Secretary's arguments against amendment No. 8 seemed to be that the Government's objectives in increasing the upper earnings limit could not be fulfilled. I acknowledge that point, but I can see no reason why the Government could not table a further amendment in the other place to enable them to do what they need to do for 2009-10—I believe that was the year to which she referred. There is no need for legislation for 2008-09, because the ratio would still apply. I do not find her arguments on amendment No. 8 convincing. Given the mood of the House and the comments of my hon. Friend the Member for Gosport, I am inclined to press amendment No.8, rather than amendment No. 10, to a Division.

Question put, That the amendment be made:—

The House proceeded to a Division.

Madam Deputy Speaker: I ask the Serjeant at Arms to investigate the delay in the Aye Lobby.

The House having divided: Ayes 148, Noes 260.

Division No. 065] **[3.32 pm**

AYES

Afriyie, Adam	Clark, Greg
Ainsworth, Mr. Peter	Cormack, Sir Patrick
Alexander, Danny	Davies, David T.C. *(Monmouth)*
Amess, Mr. David	Djanogly, Mr. Jonathan
Ancram, rh Mr. Michael	Dorries, Mrs. Nadine
Arbuthnot, rh Mr. James	Duncan Smith, rh Mr. Iain
Bacon, Mr. Richard	Ellwood, Mr. Tobias
Barker, Gregory	Evans, Mr. Nigel
Bellingham, Mr. Henry	Fabricant, Michael
Benyon, Mr. Richard	Field, Mr. Mark
Bercow, John	Foster, Mr. Don
Beresford, Sir Paul	Francois, Mr. Mark
Blunt, Mr. Crispin	Fraser, Mr. Christopher
Bone, Mr. Peter	Gale, Mr. Roger
Bottomley, Peter	Gauke, Mr. David
Brady, Mr. Graham	George, Andrew
Brake, Tom	Gibb, Mr. Nick
Brokenshire, James	Gidley, Sandra
Brooke, Annette	Gillan, Mrs. Cheryl
Browne, Mr. Jeremy	Goodman, Mr. Paul
Browning, Angela	Gove, Michael
Bruce, rh Malcolm	Grayling, Chris
Burns, Mr. Simon	Green, Damian
Burstow, Mr. Paul	Greening, Justine
Butterfill, Sir John	Grieve, Mr. Dominic
Carmichael, Mr. Alistair	Gummer, rh Mr. John
Carswell, Mr. Douglas	Hammond, Stephen
Cash, Mr. William	Hands, Mr. Greg
Clappison, Mr. James	

Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howard, rh Mr. Michael
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Keetch, Mr. Paul
Kirkbride, Miss Julie
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Laws, Mr. David
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Lilley, rh Mr. Peter
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
May, rh Mrs. Theresa
Mercer, Patrick
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Penning, Mike
Penrose, John
Prisk, Mr. Mark
Randall, Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Mr. Laurence
Rogerson, Dan
Rosindell, Andrew
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Teather, Sarah
Tredinnick, David
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Weir, Mr. Mike
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Willott, Jenny
Wilshire, Mr. David
Winterton, Ann
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Mr. David Evennett and Mr. Nick Hurd

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Caton, Mr. Martin
Cawsey, Mr. Ian
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Tony
David, Mr. Wayne
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gibson, Dr. Ian
Goggins, Paul
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McGovern, Mr. Jim
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie

Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Oiner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, rh James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Sarwar, Mr. Mohammad
Sharma, Mr. Virendra
Sheerman, Mr. Barry
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Stuart, Ms Gisela
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Twigg, Derek
Vaz, rh Keith
Vis, Dr. Rudi
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek

Tellers for the Noes:
Liz Blackman and Alison Seabeck

Question accordingly negatived.

Order for Third Reading read.

3.48 pm

Jane Kennedy: I beg to move, That the Bill be now read the Third time.

We have reached the final stage of this House's deliberations on the National Insurance Contributions Bill, which will ensure that the personal tax package can be fully operative. I think that it will be helpful if I outline the details of the package again, as some hon. Members have focused on only a few aspects of it.

Since 1997, the Government have delivered a comprehensive programme of reforms to the tax and benefit system. Their aim has been to simplify the system, to tackle child and pensioner poverty and to make work pay. Budget 2007 announced the next stage of the reforms as part of a rebalancing of the tax system to offer more support for work, families and pensioners.

The package simplified income tax and national insurance contributions. It increased the personal allowances for those aged 65 and over, and it changed the rates and threshold for child tax credit and working tax credit. It was carefully balanced, so that the tax credit changes focus on those whose need is greatest, including low-income families with children. The personal tax changes provide a simpler system with a modest impact on most sectors, and increased support to pensioners over 65. Each change should not be looked at in isolation.

Alongside producing the lowest basic rate of tax for over 75 years and one of the simplest personal structures in the developed world, that package results in four out of five households being better or no worse off, with the average household gaining £100 per year. A lone parent with one child will see their annual gain from returning to work rise by up to £350, and 200,000 children have been removed from poverty. Households with children in the poorest fifth of the population will be on average £340 per year better off, and around 600,000 fewer pensioners will pay income tax than would otherwise be the case, so that in total only 43 per cent. of pensioners will be taxpayers.

In helping to deliver that package, the Bill first allows the upper earnings limit to be aligned with the point at which higher-rate tax starts to be paid, significantly simplifying the United Kingdom's tax and national insurance contribution systems. From April 2009 there will be just two main rates of income tax, and they will apply to the same bands of income as the two rates of national insurance contributions, creating one of the simplest personal tax structures of any developed country.

Secondly, the proposals in the Bill are central to the Government's commitment to provide a solid and simpler state pension. By bringing forward the introduction of the upper accrual point, the Bill returns the timetable for the removal of earnings-related state second pension to that recommended by the Pensions Commission. That will mean that by around 2030 the complex earnings-related structure of the state second pension will be withdrawn, leaving a flat-rate scheme that will be simple to administer and to understand for both contributors and pensioners.

I got a little carried away during my earlier contribution; I blame it on the flu. In trying to reassure the hon. Member for Gosport (Peter Viggers), which I patently failed to do, on winners and losers in respect of the upper earnings limit, I got the figures the wrong way round. The loss of the starting rate band and the upper earnings limit being raised mean that those people are worse off by the amounts that I gave. However, they are better off as a result of the basic rate being introduced at 20 per cent. I know that he knew that; he just did not want to cause me embarrassment in the debate. However, I was right to say that, overall, they will be £51.60 better off.

I am grateful to hon. Members for the way in which this Bill has been debated. It is a short Bill. It makes the two changes that I have described, for the reasons we have debated. I am pleased to be able to conclude that the Bill has had thorough scrutiny. As I have said, I have been impressed by the constructive contributions. I thank hon. Members on both sides of the House for their contributions to the debate.

3.53 pm

Mr. Gauke: As the Financial Secretary said, we have had some good scrutiny of the Bill, but Opposition Members remain concerned about what the Bill seeks

to achieve and the manner in which that is being done. As the right hon. Lady also said, there are two elements to the Bill. The first relates to taxation, in the sense of the change to the provisions on the upper earnings limit. The second relates to changes to pensions.

On the first point, we have already debated at some length—I do not intend to repeat the points that were made—our concerns about the lack of proper scrutiny that may occur should there be other increases in the upper earnings limit, and the fact that the restrictions in existing legislation provide some protection to ensure that there is an opportunity in this House, and particularly within this Chamber, to examine any changes to the upper earnings limit. There is no doubt that the Bill will weaken that ability, and we are considerably concerned about it.

It has not been an entirely happy week for the House of Commons, to put it mildly. I do not want to be hyperbolic, as there have been other issues of even greater concern, but we are unhappy about the effect of these provisions on future scrutiny. There is a broader point about the increase in the upper earnings limit: it is a stealth tax increase, part of what turned out to be the Prime Minister's final Budget as Chancellor, in which he produced a rabbit out of a hat for political effect, and £1.5 billion a year will be raised from middle earners as a result.

Mr. Adam Holloway (Gravesham) (Con): Does my hon. Friend agree that we are in effect legislating for a £1.5 billion tax rise? We were told that the Bill would simplify the tax system, end child poverty, address inequalities in our society and so on, but it is a tax increase, not for the super-rich but, yet again, for middle-income families.

Mr. Gauke: My hon. Friend makes a good point. We have been rather consensual this afternoon, as we were in Committee, when discussing areas of disagreement between us and the Government, but some of the debate on Second Reading was slightly more feisty, and the accusation was made that the Conservatives, in raising concerns, were on the side of the wealthy. Actually, as my hon. Friend points out, the people who will lose out as a consequence of both the package as a whole and the measures dealing with national insurance contributions are those who earn about £39,000 to £40,000 a year. That is certainly what the Institute for Fiscal Studies concluded. So we are talking about police officers—they are not receiving a full pay increase as it is—senior nurses and teachers, not the very wealthy. It is middle England, to some extent, that will suffer as a consequence of the increase.

I want to make it clear that we do not object to aligning national insurance contributions with higher rate income tax. The idea seems sensible, and I made the point earlier that debate on the matter has been led by my hon. Friend the Member for Tatton (Mr. Osborne), the shadow Chancellor. The Forsyth report, which advocated something similar, has been influential, but those proposals were based on the use of fiscally neutral measures. As my hon. Friend the Member for Gravesham (Mr. Holloway) made clear, the measures in the Bill are not fiscally neutral. They are intended to raise more tax revenue, which we know the Government need to do. I shall not stray too far into yesterday's Institute for Fiscal Studies report, which showed that there is an £8 billion black hole in the Government's finances, and that taxes will need to increase to ensure that the Prime Minister's fiscal rules are met; the point is that the measures are primarily a tax increase, and not one that will be paid by the wealthy. Looking more broadly at the Budget 2007 package—I shall not dwell on this point—we see that it is the low earners who make up the majority of those who will lose out.

We know that 5 million households will lose as a consequence of the measures. I do not think that we ever got an answer to the question asked at a Committee evidence session about how many of those 5 million households would be in the £39,000 to £40,000 income range. I do not know whether the Financial Secretary has an answer, but it would be interesting to know how many households within that band will lose out. Of course, it is the way in which national insurance contributions are being aligned with higher rate income tax that will cause that loss.

The second element of the Bill is the separation of the upper accruals point from the upper earnings limit. We all speak of the consensus on all sides about the Turner package of pensions reform, and there is a fundamental consensus on the thrust of what we need to do. The reason why we have expressed concern about what the Government propose in the Bill is not because of any abandonment of the consensus, as was alleged on Second Reading. We believe that there should be a restoration of the earnings link to pensions, and have advocated that idea for some time. We have also accepted the principle of separating the upper earnings limit from the upper accruals point as part of a package—as part of a set of proposals that would enable us to finance the restoration of the earnings link.

However, what we see in the Bill is the breaking up of that package, and we are legislating now on separating the upper accruals point from the upper earnings limit at least four years before the implementation of the restoration of that link. That will not happen until 2012, the date that the Government are working on. The Financial Secretary reiterated in Committee that it remains the intention and expectation of the Government that the link will be restored in 2012. The caveat on which the former Chancellor, now the Prime Minister, insisted was that the Government could not restore the link unless economic conditions allowed.

Given the green budget produced by the Institute for Fiscal Studies, one must seriously question whether those economic conditions will permit that in 2012. If not, it could be another seven years before the link is restored, yet we will already be paying the cost—people will be paying contributions to a contributory system, and their contributions will count for nothing. Those will no longer be contributions, but tax payments.

The Pensions Policy Institute raised the issue following the 2007 Budget when national insurance contributions were increased by the increase in the upper earnings limit, and made it clear that as a consequence, unless something was done, the flat-rating would be delayed until 2035. On Second Reading and in Committee we explored in some detail whether the Treasury was fully aware that that would happen. We were told explicitly that the Treasury was aware. In

[Mr. Gauke]

the Red Book showing the financial implications of every policy announced in the Budget, the additional costs of the increase in the upper earnings limit—in other words, the additional rebates that would be paid to funds for those who had opted out of the second state pension—were scored.

That being the case, it is surprising that the Treasury, which with the left hand had identified that there was an issue, had not done more with the right hand to address it. It was conceded by the Treasury officials—whom I take this opportunity to thank for their clear evidence and their help to the Committee—that the Red Book made no explicit reference to the problem. We know that the Treasury was aware of it, yet no proposals were made at the time of the 2007 Budget. One cannot help concluding that the 2007 Budget package was somewhat rushed, and that not all the implications were appreciated or, if they were, not all the necessary mitigating steps were taken to address those consequences. That Budget looks increasingly flawed—

Madam Deputy Speaker: Order. I remind the hon. Gentleman that we are discussing the Third Reading of the Bill, not the 2007 Budget.

Mr. Gauke: I take your guidance, Madam Deputy Speaker.

I move swiftly on to our essential concern about that second element of the Bill. A number of people—not the very wealthy—will be paying more in contributions but not receiving the benefit, because they will reach the upper accruals point. We have asked one question throughout. The Government's explanation is that we need to ensure that we revert to 2030-31 as the point at which flat-rating comes in. What has never been satisfactorily explained is why that 2030-31 date is so important. I appreciate that it was part of the original Turner package, but that was based on the assumption that the national insurance contributions upper earnings limit was not going to be increased as it subsequently was. Why was 2030-31 so sacrosanct that it had to be maintained?

My hon. Friend the Member for Ludlow (Mr. Dunne), who is detained on important constituency business today, raised that very question in Committee. The Minister answered that it would have led to higher earners receiving a greater than intended benefit for the state second pension. That is absolutely right, but those higher earners, as she describes them, were contributing more in national insurance contributions than had been anticipated. Why should they not also receive additional benefits? I hope that that point will be explored further in another place.

The Bill will raise additional revenue from national insurance contributions. It will weaken Parliament's ability to scrutinise further tax increases in this area, and it means that—in a manner not anticipated by the Turner report and the consensus that arose from it—people will pay more in national insurance contributions but not receive additional benefits as a consequence. For those reasons we remain concerned that the Bill is flawed, and we will oppose Third Reading.

4.7 pm

Mr. Jeremy Browne: Today is 31 January, and tax simplification is probably on the minds of many millions of our fellow citizens. In my party there is an appetite for greater simplification of the tax system, and since 1997 we have consistently criticised the Government on the issue.

Mr. Simon Burns (West Chelmsford) (Con): Will the hon. Gentleman give way?

Mr. Browne: I shall give way to any Member who has taken an interest in the Bill for the past few hours; otherwise, I shall make progress.

A criticism that can be made of the Government in respect of the past 11 years or so is that a lot of additional complication has been added to the system; if some of that is now being reversed, that is welcome. I suppose I can boil our criticisms down to four succinct points. First, the simplification has come with a large sleight of hand; as has been pointed out, the Bill is part of a process that enables the Government to raise something in the order of £1.5 billion of additional revenue.

The situation was fairly anomalous before, when the marginal rate of tax being paid by people earning in the region of £38,000 or £39,000 was considerably higher than that paid by those earning in the region of £28,000 or £29,000. That dip in the graph in that income area could have been seen by many on lower incomes as being unfair on them if they took the view, as I do, that national insurance contributions are, to all intents and purposes, income tax under a different guise. I understand the argument that they are not the same because they are calculated and levied on a different basis. However, many people looking at their payslips at the end of the month will find it anomalous that some people on higher incomes pay lower marginal rates than some of those on lower incomes. I understand the logic of that aspect of the changes, but had the simplification been revenue-neutral, it would have been more widely welcomed than this measure, which combines it with a large additional tax take.

Our second objection is that abandoning the multiplier of 7.5 per cent., which Members who have been consistently interested in the Bill have discussed at length, represents a loss of discipline. It is always easier to loosen one's belt than to regulate one's diet. The Government would have been better advised, having raised the level of tax take beyond what would have been considered conceivable by Chancellors prior to this Government's coming to office, to look more often at how they can maintain and impose greater discipline on themselves instead of looking at ways to raise the tax take further.

My third point has been discussed at length by the hon. Member for South-West Hertfordshire (Mr. Gauke)—the ability of this House to scrutinise changes that may take place in future. We share the concerns that Conservative Members have expressed in that regard. Even if one takes the view that the current Government are benign and benevolent in all their intentions—certainly, most people take that view of the Financial Secretary, if not of the Government—one can see that it is nevertheless desirable that safeguards

should be put in place to prevent future abuses. I think that most people would agree that those safeguards are now less onerous than would otherwise have been the case.

My fourth point is about part 2, which we have not discussed at such length. As the Conservative spokesman said, as regards the state pension we are getting the pain at least four years before we get the gain. He did not say, of course, because Conservatives never do, that the need to reconnect the link with earnings and price increases has come about because the Conservative party broke it in the first place. Passing over that for the time being, it remains the case that these provisions are being coupled together in the minds of the public, yet we cannot expect the state pension to have that link restored until 2012 at the earliest. My party does not think that the provisions in the Bill are sufficient for pensioners, particularly poorer pensioners and women pensioners.

The Bill is not the most controversial measure, principally because it is a means to an end rather than an end in itself. Those who object to the Chancellor's Budget and to the Government's overall tax policy, and have rushed into the Chamber to make those objections, have good reasons to do so in many cases, and those are legitimate debates. However, the Bill is about enabling these changes to take place, and that is a separate argument from whether the changes have merit in themselves. I have plenty of views about the merits of the Government's policies and their last Budget. I also have reservations about aspects of the Bill that I feel less strongly about. The Bill is not particularly controversial, but it does have limitations that give us cause for concern; that is why we will not support it.

4.14 pm

Mr. Mark Field: It is a great pleasure to follow the hon. Member for Taunton (Mr. Browne). I suspect I may be getting into the spirit of things, and perhaps reflecting the concerns that my hon. Friends the Members for West Chelmsford (Mr. Burns) and for Bournemouth, East (Mr. Ellwood) wished to raise earlier, when I say that the fact that the hon. Member for Taunton is here on his own shows either that his 62 fellow Liberal Democrats are convinced of the case for simplification or that they are all hurriedly filling in their tax returns in advance of the deadline this evening.

One way or another, it has been a pleasure to have served briefly on the Committee considering this Bill. The evidence session that we had was an excellent innovation. It was the first time I had dealt with a Bill where there was quite that level of interplay between Ministers, officials and Members of Parliament. Such sessions are considerably more revealing than the stylised debate form, even within the relatively informal surroundings of a Public Bill Committee. The session that we had allowed some deeper questioning, and far more clarity. That ensured that the process was rather more revealing and, I suspect, more straightforward than it would have been if we had to constrain comments within the confines of stylised amendments. It was a useful process, and I thank the Minister and her officials for ensuring that we had that sort of debate.

My hon. Friend the Member for South-West Hertfordshire (Mr. Gauke) made some important points in his contribution today, and in Committee. He repeatedly pressed the Minister on the changes made in the 2007 Budget, and on the fact that there were clearly winners and losers thanks to the changes. It seemed to me that the Financial Secretary accepted that there would be as many as 5.3 million losers due to the budgetary changes, as stated by a senior civil servant to the Treasury Committee. It was interesting, however, that the Prime Minister refuted that figure. We will see how matters pan out.

The debate on national insurance and pensions is important. It will go on for many years and decades to come, so it is perhaps a little perverse that the Government have rather hysterically held on to this idea that we must have everything sorted out by 2031. I respect the idea, and very much agree with it, that we need long-term thinking in this area, but the world of work, pensions, national insurance and taxation will be very different in 23 years' time. If we consider the situation almost a quarter of a century ago, we find that the accepted norms of tax rates were higher, and that we were living in a less globalised world. One thing of which we can be sure is that the next 23 years will bring even greater change, with the emergence of China and India as great economic superpowers

Madam Deputy Speaker: Order. I am sure that the hon. Gentleman knows that he is going wide of the Bill. I hope that he will confine his remarks on Third Reading to the matters contained in the Bill.

Mr. Field: Thank you, Madam Deputy Speaker. I stand duly admonished by you. With that in mind, the concept of simplification is very much to be admired, whether in speaking style or in relation to the Third Reading of the Bill.

I support the recommendation of my hon. Friend the Member for South-West Hertfordshire that we vote against the Bill because there is a sneaking doubt on the part of myself and my colleagues that it is driven by a desire to raise revenue more than anything else. As the hon. Member for Taunton pointed out, a mechanism could have been put in place to ensure that the process was revenue-neutral, instead of raising £1.5 billion or more as a back-door tax increase.

The Bill is very useful, but I hope that it is a starting point for a broader debate that needs to take place on fiscal drag. There are now almost 4 million people who pay higher-rate tax, compared with just 2 million just 10 years ago. I am probably taking words out of the Minister's mouth, but she may suggest that that is a sign of great affluence, and there is an element of truth in that. However, it seems to me that the lowest-paid in our society pay far too much tax as it is. It is not just an issue for higher-rate tax payers, but for those at the lower end of the band. Detailed thought is required, through this sort of legislation and in Finance Bills in years to come, to ensure that the lowest-paid pay far less tax. Certainly in my constituency in central London, taxation is a massive disincentive to the lowest-paid, especially those in social housing, to get any job, notwithstanding benefits such as tax credits and the minimum wage.

[Mr. Mark Field]

I look forward to the Bill reaching the statute book, as I am sure it will. We will vote against it and I hope that some of our arguments will hold sway in the House of Lords and that the Government will make some of the changes that we suggested.

4.19 pm

Peter Viggers: I do not look forward to the Bill reaching the statute book. It is a nasty little measure. The Exchequer Secretary described it as a technical measure and, although it is short, it is complicated. A website on the subject begins: "Prepare to be baffled". It says that the state second pension is the most ridiculously complicated benefit on the face of the planet.

"Prepare to be baffled" is the correct phrase, as is "Prepare to be taxed". The Bill will especially disadvantage those who earn between £37,000 and £43,000. As has been said, the overall measures in the Budget, including the Bill, will involve raising a tax of some £1.5 billion and creating 5.3 million losers. The Financial Secretary has pointed out that 3.5 million of those losers will lose less than £3 a week, but it follows that 1.8 million people will lose more than £3 a week.

Hon. Members will remember the French statesman Talleyrand, who was widely believed to be incapable to telling the truth. He was extremely devious and everyone tried to work out a second motive for everything that he did. When he died in 1838, Metternich is reported to have said, "I wonder what he meant by that." I felt that way when I listened for more than 10 years to the Budgets of the then Chancellor of the Exchequer, now the Prime Minister.

Let me quote from the Budget speech of 21 March 2007. The then Chancellor said that he was

"creating a tax system for income that has just two rates and two thresholds."

He also said that he was creating a system

"to reward work, to ensure working families are better off and to make the tax system fairer".—[*Official Report*, 21 March 2007; Vol. 458, c. 827-28.]

First, he said the basic rate of tax would be cut by 2 percentage points from 22 to 20 per cent. and the 10 per cent. starting rate of income tax on earnings would be abolished from 2008-09. Consequently, income tax and earnings would be charged at two rates—the basic rate of tax at 20 per cent. and the higher rate at 40 per cent.

Madam Deputy Speaker: Order. I was allowing what I believed to be a passing reference, but I remind the hon. Gentleman that we are considering Third Reading of the National Contributions Bill. Perhaps he will relate his remarks accordingly.

Peter Viggers: I am grateful to you, Madam Deputy Speaker. The then Chancellor of the Exchequer also said—this is the key point, leading to the introduction of this Bill—that the upper earnings limit for national insurance contributions would be aligned with the higher rate threshold. It is those words alone that led to the Bill. My quote showed the then Chancellor's typically glutinous preening, which contrasted with the comments that are behind the Bill.

It would have been helpful if the then Chancellor had developed the capacity for telling things the way they were. He made a great pitch for presenting the whole picture to the House. He made a great point about simplifying. He said that the upper earnings limit for national insurance would be aligned with the higher rate threshold for tax. However, he was not genuinely simplifying. He is simply bringing the rates together—aligning the rates but not the systems. Two systems remain—an annual taxation system and a weekly system for national insurance. It was therefore incorrect to claim that he was simplifying.

The system remains too complicated. We were told that the Bill and the other measures relating to the 2007 Budget were part of a package. We have been told many times, including today by the Financial Secretary, that we must look at the relief of child poverty and at lifting pensioners out of poverty. "Child poverty" is rather a misleading expression. A child might ask his father, "Daddy, are we quite rich?", to which the reply might be, "Well, I'm quite rich, but you, like all children, are incredibly poor." We are not talking about child poverty; we are talking about family poverty, which includes children. The expression is therefore misleading.

Tax is too complicated at the moment. Pensioner tax credit take-up is very low, and for Ministers to—

Madam Deputy Speaker: Order. I must remind the hon. Gentleman that he must relate his remarks to the contents of this Bill.

Peter Viggers: Thank you, Madam Deputy Speaker. The Bill is of course part of the overall Budget measures, and this is a revenue-raising issue. The amount of tax, and revenue generally, taken by the Budget is too high. The Bill is part of that—

Madam Deputy Speaker: Order. That might well be the hon. Gentleman's view, but I must remind him once again that it is pertinent to discuss only the contents of this Bill on Third Reading.

Peter Viggers: I am grateful to you, Madam Deputy Speaker.

I oppose the Bill, which, among other things, will give the Government the opportunity to raise further national insurance contributions without coming back to the House and introducing primary legislation. One of the purposes of the Bill is to allow the Government to come back with regulations to increase national insurance, and on that basis and for the other reasons that I have given, I shall readily vote against it on Third Reading.

4.26 pm

Mr. Tobias Ellwood (Bournemouth, East) (Con): I pay tribute to the comments of my hon. Friend the Member for Gosport (Peter Viggers). He was right to point out the larger context in which we should place the Bill, and the errors that we have found creeping into the last Budget that we have been faced with. It is important to put in context the consequences of the Bill to the person in the high street and the people in our constituency. These consequences must be placed in the context of council taxes, increased fuel bills and

so forth. This is not a tax-neutral measure, as the Government would have us believe. They might be able to convince the Labour Members that it is, using the figures in the Red Book, but the middle-income earners who will be hit by it will end up out of pocket.

We strongly support the idea of tax simplification. As my hon. Friend the Member for Gosport pointed out, we have a very complicated tax system, and it behoves us all to try to simplify it. There is a consequence to the Bill, however; it is the price tag that is associated with it. That is why the Conservatives will not support it on Third Reading.

If we were to ask any of our constituents exactly what national insurance contributions were, I doubt that they would be able to give us a proper definition. Some might say that they were supposed to link in with the original desire to protect against unemployment, or that they had some connection with the health service. Others might say that they had a link with pensions. The system is now so confusing, with all its smoke and mirrors, that it is seen simply as another stealth tax. It is a confusing tax that is used to raise more funds for the Government.

As we have heard from my hon. Friend the Member for South-West Hertfordshire (Mr. Gauke), the impacts of the proposals will be twofold. The first will involve the changes to the upper earnings limit. This has come about because of the curious gap that has emerged between national insurance contributions and the higher rate of income tax. Simplification of the tax system is, of course, important, but we see this as a clever way of introducing a stealth tax that will give the Government a revenue increase of about £1.5 billion, which will be taken directly from middle-income earners. It has been estimated that that will affect about 5 million households across the UK, involving people who earn between £39,000 and £40,000 a year.

Mr. Gauke: Does my hon. Friend share my curiosity about a question that we pursued in Committee? We asked how many of the 5 million households that will lose out as a consequence of the Budget would be in that £39,000 to £40,000 range, and how many would be in the lower range, involving people earning under £18,000 a year. I do not think that we have yet had an answer to that question.

Mr. Ellwood: I know that my hon. Friend posed that and many other questions in Committee to which he did not get an answer—*[Interruption.]* I see that I have gained the Minister's attention. Perhaps she would—

Madam Deputy Speaker: Order. The hon. Gentleman may well not have received an answer in Committee, but as I said earlier, we are now on Third Reading of this particular Bill.

Mr. Ellwood: I am grateful for your guidance, Madam Deputy Speaker, but I seek the Minister's indulgence to clarify how many middle-income families will be affected by the Bill. When she responds, perhaps she will allude to that important aspect. According to our calculations, the groups most affected by the Bill will be teachers, doctors, senior nurses and fire services personnel, who have just had a horrendous funding review. In Dorset, for example, firemen have an increase of only 2.5 per cent. over the next three years—1 per cent. in the first year, 0.5 per cent. in the following year and—

Madam Deputy Speaker: Order. Let me remind the hon. Gentleman once again that he must relate his remarks to the content of this narrowly drawn Bill.

Mr. Ellwood: Once again, Madam Deputy Speaker, I appreciate your clarification, but as I pointed out earlier, it is the Red Book that misleads us by ignoring some of the other factors that affect our constituents.

The second aspect of the Bill is its impact on pensions, particularly in respect of the upper earnings accruals point, about which my hon. Friend the Member for South-West Hertfordshire spoke at length earlier. The House will be pleased to know that I will not go into any further detail at this stage. [HON. MEMBERS: "Hear, hear."] I am pleased to hear that confirmation. Suffice it to say that the consequence of this second aspect of the Bill is an effective raid on the rebates of the state second pension to the tune of about £400 million. That is not an insignificant amount of money for a Government who say that they want to help those groups of people.

In conclusion, let me say that the consequence of simplifying the tax system comes with a price tag—a price tag of £1.5 billion.

Mr. Gauke: Does my hon. Friend agree that when the Government talk about tax simplification, it is time for the rest of us to start counting the spoons?

Mr. Ellwood: Once again, my hon. Friend gives us pearls of wisdom. This is a day on which we should be returning our tax forms, and it seems that that is exactly what the Liberal Democrats, who appear to be absent, are doing. It is also a day on which a green budget has been produced by the Institute for Fiscal Studies, saying that there is a black hole in the nation's finances of £8 billion—

Mr. Deputy Speaker (Sir Michael Lord): Order. Perhaps the change in Deputy Speaker will manage to persuade the hon. Gentleman that he is once again wide of the mark. If he is not going to return to the Bill, this may be a good time for him to think about concluding his remarks.

Mr. Ellwood: I will take your advice, Mr. Deputy Speaker.

We are seeing not only a price tag, but a loss of scrutiny, so I recommend that every hon. Member vote against the Bill.

4.34 pm

Jane Kennedy: With the leave of the House, Mr. Deputy Speaker, I thank hon. Members for their kind words to officials, and I add my own thanks for their hard work, inspiration and assistance with the Bill.

The hon. Member for Cities of London and Westminster (Mr. Field) and a number of other Members berated us for taxing more higher-rate taxpayers as a result of this package, but I have to say that the fact that more

[Jane Kennedy]

higher-rate taxpayers are paying higher taxes is a sign of economic success, increased national prosperity and record employment levels. Since 1997, there have been

Mr. Deputy Speaker: Order. I am sure that the Minister would expect me to be even-handed in these matters, so let me give her the same advice that I have given to Opposition Members.

Jane Kennedy: Thank you, Mr. Deputy Speaker.

I have written to members of the Committee to provide the further details that were requested earlier. I leave the House with this final thought. This is what Robert Chote of the Institute for Fiscal Studies said about the Budget package that has been the subject of today's debate:

"To reform the system in a useful way within tight financial constraints and with only modest gains and losses should be a cause for congratulation rather than criticism."

I commend the Bill to the House.

Question put, That the Bill be now read the Third time:—

The House divided: Ayes 256, Noes 147.

Division No. 66] **[4.34 pm**

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Caton, Mr. Martin
Cawsey, Mr. Ian
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Tony
David, Mr. Wayne
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gibson, Dr. Ian
Goggins, Paul
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jenkins, Mr. Brian
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McGovern, Mr. Jim
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, rh James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Sarwar, Mr. Mohammad
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Short, rh Clare
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew

Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Stuart, Ms Gisela
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Mr. Neil
Vis, Dr. Rudi
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek

Tellers for the Ayes:
Alison Seabeck and Liz Blackman

NOES

Afriyie, Adam
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Bone, Mr. Peter
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, rh Malcolm
Burstow, Mr. Paul
Burt, Alistair
Butterfill, Sir John
Cameron, rh Mr. David
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Cormack, Sir Patrick
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Djanogly, Mr. Jonathan
Dorries, Mrs. Nadine
Duncan Smith, rh Mr. Iain
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Howard, rh Mr. Michael
Howarth, Mr. Gerald
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jones, Mr. David
Keetch, Mr. Paul
Kirkbride, Miss Julie
Lait, Mrs. Jacqui
Lamb, Norman
Lansley, Mr. Andrew
Laws, Mr. David
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Main, Anne
Malins, Mr. Humfrey
May, rh Mrs. Theresa
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Murrison, Dr. Andrew
Neill, Robert
Opik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Penning, Mike
Penrose, John
Prisk, Mr. Mark
Randall, Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Mr. Laurence
Rosindell, Andrew
Ruffley, Mr. David
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Swire, Mr. Hugo
Syms, Mr. Robert
Tredinnick, David
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Willott, Jenny
Wilshire, Mr. David
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Tellers for the Noes:
Mr. Simon Burns and Mr. Crispin Blunt

Question accordingly agreed to.

Bill read the Third time, and passed.

PETITION

Smoking Ban (Rossendale)

4.48 pm

Janet Anderson (Rossendale and Darwen) (Lab): The petition is from the regular customers of the Swan hotel in Bacup, Rossendale, in my constituency. It has been signed by 93 of them and it expresses concern about the effect on their daily lives of the smoking ban.

Bacup is famous for many things, such as the "Britannia coconutters", the Rossendale Academy of Arts and the fact that it provided the location for "Juliet Bravo", but above all it is famous for its community spirit. The Swan hotel regulars tell me that since the ban was introduced at least a good third of their social friends have stopped coming as a direct result, and the social atmosphere in the pub has drastically diminished. Smokers and non-smokers alike are finding that the ban serves no purpose whatever, other than nibbling away at the social cohesion that has taken many years to evolve.

Following is the full text of the petition:

[The Petition of customers of the Swan Hotel, Bacup, Rossendale,

Declares that the smoking ban is having an adverse effect on the social structure and enjoyment within their local pub, the Swan Hotel; they consider it a valuable asset within the local community.

The Petitioners therefore request that the House of Commons urges the Government to introduce amending legislation to provide for the landlord of the Swan Hotel placing a sign on his door depicting the pub as a 'smoking establishment' giving customers the right to choose whether to enter or not.

And the Petitioners remain, etc.]

[P000113]

Data Encryption (Child Abuse)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. David.]*

4.50 pm

Sir Paul Beresford (Mole Valley) (Con): Perhaps I should reassure you, Mr. Deputy Speaker, that I do not intend to use the opportunity to speak until 6.30 pm.

I thank the Minister for attending this debate. I anticipated that a Minister from another Department would attend, because I am raising this issue on the basis of a new clause that I tried to propose to the Criminal Justice and Immigration Bill on Report. It was chopped when it ran out of time under our favourite procedure—the guillotine. I therefore hoped that a Minister from the Ministry of Justice would respond today, but I welcome this Minister because he understands the problem. In a funny way, we have worked on the same sorts of campaign on various causes. We have been on the same side in trying to protect children from paedophiles.

I have been working quietly, but I hope with some effect, on this matter for perhaps a decade. I want to touch on something that is developing into a problem as technology moves forward. It is well known that paedophiles take and collect child abuse photos. The photos used to be in the form of hard copies—taken by box Brownies and so on—but things moved on to videos and now to digital. Such images are now kept on computers, CD-ROM, DVDs and other form of digital storage. Digital is used as an opportunity to download information—pictures and so on—from websites. Paedophiles swap their pictures over the internet, and take their own photos. Many such images are acquired by the website groups that these individuals join to produce new photographs. One must remember that every single photograph is of a child being abused, and there are millions of these photographs.

Several things have changed over recent years. First, demand has increased, and that includes the demand of these individuals for new material. I understand from talking to the police that the other thing that has changed is the level of the photographs' depravity—the depths being plumbed are getting lower and lower. Every so many weeks the police will say, "I have never seen anything as bad as this." When TV programmes talk about protecting children, they mean teenage children, but demand is increasing for younger and younger children, even down to infants and babies.

The point that I want to emphasise tonight is the introduction of encryption. I have discussed the issue with police experts and even with the National Technical Assistance Centre—NTAC—whose job is to act on behalf of the police and the security forces to break encryption. I understand from one of NTAC's directors that the proportion of child abuse material that has been encrypted is increasing. One of the points made is that as the demand on NTAC is increasing, its budget seems to be decreasing—but then one would expect the head of such a department to say that.

Encryption used to be difficult, but over the past few years it has been possible to download 128 and then 256-bit encryption freely on the net. What is making the situation worse is the fact that the previously complicated procedures required are becoming simpler. Perhaps even more striking is the fact that the new Windows Vista Professional contains a system that means that the moment one turns one's computer off, everything on it is encrypted. So if the police are to have any hope of getting much data from these computers, CD-ROMs and so on, they must get their hands on the computers when they are still running. Otherwise, they are sent off to NTAC to try to break the code.

The Regulation of Investigatory Powers Act 2000 gave us some hope. It introduced a penalty of two years' imprisonment for failure to provide the key. Sadly, the relevant part of the Act has only just been enacted, and I am aware of that because I was so concerned that I helped with the consultation. With a bit of encouragement from me—to put it mildly—the consultation included a suggestion that a higher penalty should be imposed when the failure to provide the key to encrypted material concerned child abuse material. I enjoined some of the officials at a meeting to try to help to persuade concerned representatives from the City who, on understanding the point that I was making, accepted it.

On Second Reading of the Criminal Justice and Immigration Bill, I raised my idea as a possibility, and I received a written response. In essence, it said, "Wait and see, we want to see how the change is working." Well, it is not working, and it is blindingly obvious why it is not working. The police can say to offenders, "If you do not produce the key, you could go to prison for up to two years." But most of the material being hidden would put offenders away for five years or more and put them on the sex offenders list. It is an obvious choice to make, and they do not produce the key.

I shall give the Minister a current example. An individual is going to court next month. He was arrested in mid-2006. He and a colleague were going to go to France, and they had written out a plan of how they would attack, grab, seduce or abuse French children. Fortunately, for French and English children, the man and his colleague were caught. The police went to the man's home and found some abuse files; not many, but his computer contained another 150GB of encrypted material. I asked a friend of mine who works at IBM what that would mean if the files were all single photographs taken by a straightforward camera of the sort that many of these people use. He said that it could be as many as 750,000 single photographs. I was staggered, but my police colleagues said that it was not unusual.

In this particular case, the need is more urgent. This individual has babysat a little girl, aged three. The police know, from a physical examination, that the girl has been abused. By a process of elimination, the individual is almost certainly the abuser. The little girl will be no use in court as a witness. The only way to catch him would be to break the code on the 150GB of material. He has been approached with the warning about two years, and it would be excessively polite to render his response as "No." He would rather serve two years and not reveal the data. The police want the data, partly because of the three-year-old girl, but also because if there are other children's faces in there, they might be able to find them and help them.

I then decided to propose the new clause. It is straightforward, and would increase the penalty from two years to five years. The new penalty would apply in

any one of three circumstances. First, it would apply if the offender had been convicted of an offence under the Protection of Children Act 1978 or the Sexual Offences Act 2003. Secondly, it would apply if the offender's computer or a similar source of data was being examined and it was apparent that it contained at least some images of the abuse of a child. Thirdly, it would apply if the court was satisfied, according to the civil standard, that the protected data were likely to include an indecent photograph of a child—I shall not go through all the details of that. We did not reach my new clause during our discussions in this place, but I have received the agreement of those on my Front Bench that it will be tabled in another place when the Criminal Justice and Immigration Bill reaches the appropriate stage of its consideration.

I want the penalty to be increased to five years. In fact, even though such an aspiration is probably unrealistic, I want it to be increased to 10 years. Men and women who do such things to children need to be put away out of the reach of children for as long as possible. I do not know the legal ramifications, but such cases often come up when the individual appears before a court for other child abuse problems. On conviction, it would be very nice if the penalty in such cases was consecutive and not concurrent.

I ask the Minister not to give us 15 minutes of soothing words, for all our sakes. I expect him to be sympathetic, because I know him and I know his attitude. I want my new clause to be passed on to the Secretary of State for Justice, either so that he can back it and explain the need for it or so that an equivalent amendment can be introduced in the Government's name.

In the past, amendments that I have proposed have been refused in this House but have gone through in another place in a slightly different form and in the Government's name. I do not mind that, because I want an increased battery of legal equipment to deal with paedophiles.

Tim Loughton (East Worthing and Shoreham) (Con): I pay tribute to my hon. Friend for the enormous amount of work he has done on the subject in collaboration with the Minister and the Government. I entirely agree that in relation to the vile crimes to which he is referring, the punishment in cases that involve this technicality should be increased. I have visited the paedophile unit at Scotland Yard, as well as its equivalent in my local police force in Sussex. The complaint was that such people have a technological know-how that is one step ahead of that of the police. Applying the necessary resources—from the expertise of the personnel who try to crack into the computers to the cost of the hardware and software that is required—is putting serious pressure on the police's resources. I agree with the need for a change in the law, but the police also need to reprioritise some of the resources so that the responsible departments have the wherewithal to ensure that people are brought to justice and that the penalty can be applied. Does my hon. Friend agree?

Sir Paul Beresford: I certainly agree. I touched on that subject a little. The feeling that I got from NTAC was that it started off with a huge budget, but that the workload has gone up while the budget has not.

My hon. Friend is right about another point. A friend of mine, a defence barrister who is very well known in the field, has described such individuals as the biggest bunch of cunning, intelligent liars she has come across. I recently watched an interview with one such individual and he was literally a rocket scientist. His intellect was considerable, but he had that awful need to abuse children.

Let me come back to the point. We need the change. It must go through urgently in primary legislation. If it can go through on the tail of that Christmas tree Bill in the other place, that would be delightful. It will still be too late for that little three-year-old girl, but there will be more three-year-old girls and boys and the paedophiles—the individuals, both male and female, who do such things—need to be taken away and locked away from children.

5.4 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Vernon Coaker): I begin by extending to the hon. Member for Mole Valley (Sir Paul Beresford) my genuine thanks for the way in which he conducts himself with regard to these matters. I have had ministerial responsibility for this area for just over 18 months, and in that time he has worked very hard to bring various issues and facts to my attention. That has contributed greatly to the work that we are trying to do, and I am extremely grateful to him.

The hon. Gentleman is also a member of the Home Secretary's taskforce and I know that he is highly regarded, both in the House and outside it, for the very valuable work that he does. He is committed and dedicated, in both a professional sense—if that is the correct expression—and in a personal sense, and I compliment him on that. The hon. Member for East Worthing and Shoreham (Tim Loughton) has also made a significant contribution to our work on these matters, and I am grateful to him for attending this debate.

At the outset, I should like to put various matters on record. Those of us attending the debate know the background to it, but we must remember that people outside the House read our proceedings too. Therefore, as well as responding to the questions that have been raised, it is important to lay out for them the processes that we have gone through.

At this stage, though, I should like to extend to the hon. Member for Mole Valley, and any other hon. Member who is interested, an invitation to a meeting at which we can discuss some of the issues in more detail. A debate like this is important as a way to set out all the relevant information in cases such as the one that we are considering this evening, but hon. Members of all parties have a common interest in finding a way forward. We are all disgusted by the images that we know are accessed by paedophiles; we all want to protect children and to do as much as possible to prosecute paedophiles and bring them to justice. If we can learn from each other and discuss our common goals, we will be able to make progress.

I hope that my offer is helpful, and if the hon. Member for Mole Valley is agreeable I shall ask my office to set to work putting a meeting together. In addition, if he is aware of other people, over and above the ones I would suggest, whom he would like to invite, I should be very happy to consider including them in the invitation.

[Mr. Vernon Coaker]

The Government have encouraged the growth of access to the internet, and firmly believe that the facilities available on it, from research information to online shopping, have helped to enhance the lives of our citizens. We are also keen to encourage the development of security on the internet, and to give our citizens the tools to ensure that any information that they send by that means remains secure.

However, the Government recognise that the internet and associated technologies are used for unlawful—and sometimes frankly disgusting—purposes. The same information security technologies that provide security and confidentiality for legitimate business and financial transactions can be misused to secure and conceal images of children being sexually abused, so as to evade detection and prosecution.

Nine years ago, in a report on law enforcement and encryption from the Cabinet Office performance and innovation unit, the Government acknowledged that the misuse of security tools was a potential threat. Following that report, the Government established in 2000 the National Technical Assistance Centre to provide law enforcement with a national resource for the complex processing of lawfully obtained protected electronic information.

Over seven years, NTAC has built up considerable expertise, which it has made available to law enforcement investigators. Complementing the development of NTAC, the Government provided resources to police forces to enable them to appoint and train dedicated forensic computing analysts and investigators who are better able to understand and identify digital evidence. In that regard, I agree with the hon. Member for East Worthing and Shoreham that some people display a kind of evil genius when it comes to hiding what they do and that, as a result, law enforcement officers must have the same level of expertise. I know of the quality and standard of the people who work at NTAC. Their ability is astonishing.

Similarly, I have visited the Serious Organised Crime Agency high-tech unit that deals with e-crime and seen the work that it does to break some of the computer codes, if that is the right way of putting it. It is astonishing. In this cyber-world, this internet world, this virtual world, it is about trying to develop that capacity. It may not involve a police officer, but we all need to look at the ability to develop law enforcement capacity to deal with that.

Together, those individuals, both in police forces and in NTAC, are contributing to the delivery of results in making protected information intelligible. I know that the hon. Member for Mole Valley will understand why it would not be appropriate for me to disclose or even to imply exactly what capabilities either NTAC or our police forces have, what they can do and what they cannot do. As far as those individuals who seek to use information technology to conceal evidence of their crimes are concerned, we should, necessarily, do as much as we can to leave them guessing.

Adding to the capabilities of law enforcement, the Government, as the hon. Gentleman said, have enabled part 3 of the Regulation of Investigatory Powers Act 2000. Part 3 provides for the imposition of disclosure requirements on individuals to require disclosure of lawfully obtained protected information in an intelligible form, or to require disclosure of the means to access protected information or to make it intelligible, such as a key or a pass phrase.

Parliament decided in 2000 that a penalty for failing to disclose information when required to do so should attract a maximum of two years' imprisonment. In the Terrorism Act 2006, Parliament agreed that, where the disclosure requirement was necessary in the interests of national security, it was appropriate that the maximum penalty should be five years' imprisonment. However, when the House debated the provisions of RIPA in 2000, the anticipation was that most individuals would routinely be encrypting data within four years. I am told that that did not happen. It is not necessarily happening in all cases yet.

For the individual who wants to manage their own information security, rather than rely on professional help, many encryption products have remained awkward and cumbersome to use properly. Because of those difficulties, initially, the market take-up was limited. Correspondingly it was rare for investigators to come across suspects using encryption, whether properly or not. However, as the hon. Members for Mole Valley and for East Worthing and Shoreham have pointed out, the market has addressed those issues. There is a growing availability of easier-to-use encryption products. As the hon. Member for Mole Valley pointed out, that includes the advent of encryption products as integrated security features in standard operating systems aimed at home and small business users. That mass market adoption means, almost inevitably, that the use of information security technology by criminals to facilitate and conceal evidence of their unlawful conduct, so as to evade detection or prosecution, will increase.

That is why the Government decided last year that the time had come to implement part 3 of RIPA. We undertook a consultation exercise on a code of practice for it, in which we explained that part 3 was not designed to undermine the security of financial institutions or the business of information security providers, or to criminalise people with bad memories who forget the passwords to their protected data. The same consultation also invited comments on amending section 53 of RIPA to extend the penalty for failing to comply with a disclosure requirement in cases related to offences involving indecent images of children.

Only some respondents addressed that issue. Most respondents focused on the detail of the code of practice. There was support for amending section 53 and there were responses urging the Government to implement the provisions first and consider any evidence for amending them in the light of experience.

The Government understand, and have always understood, the concern, clearly and frequently articulated by the hon. Gentleman, that a child sex abuser guilty of storing images of abuse, which they were responsible for creating or distributing, might refuse to comply with a disclosure requirement under part 3 of RIPA and readily accept a maximum two-year penalty, rather than comply with the requirement, disclose the images and render themselves liable to a maximum penalty of 10 years' imprisonment. I understand the point made by the hon. Members for Mole Valley and for East Worthing

and Shoreham. I remain sympathetic to their concern, but before making any amendments, we want to assess how the provisions operate in practice. That is now taking place: the first disclosure notices are being prepared and served, and the first prosecutions for refusing to comply with a notice are being taken forward. However, before any prosecution takes place under existing penalties, complex issues of how to present evidence and explain how encryption technologies work will have to be addressed in court.

The Government will consider amending the maximum penalty in criminal cases if there is evidence that the two-year penalty is not effective in cases that involve or are believed to involve indecent images of children. Such an amendment might include measures whereby a person guilty of failing to comply with a disclosure requirement would be liable to a term of imprisonment of more than two years if they had a previous conviction for an offence under section 1 of the Protection of Children Act 1978 or section 160 of the Criminal Justice Act 1988, or if the relevant protected information was contained in or with media containing indecent images.

To sum up where we are at the moment, we need to look at evidence gathered from prosecutors, police and others about what has happened since the relevant part of RIPA was introduced, so that we can determine how effective it has been. The hon. Member for Mole Valley and I have worked closely on these matters, and like him, I want to do all that I can to protect the children of this country from those who would abuse them. The three-year-old he mentioned requires the protection of the state and of the legislation for which we in Parliament are responsible. If we have a meeting to bring the relevant people together, we can discuss how to consider the legislation more effectively to see whether it requires amendment, and how best to take the issue forward. The hon. Member for East Worthing and Shoreham is welcome to consider how he might be involved, because the protection of our children from paedophiles on the internet is not an issue that should divide us.

Question put and agreed to.

Adjourned accordingly at seventeen minutes past Five o'clock.

House of Commons

Friday 1 February 2008

The House met at half-past Nine o'clock

PRAYERS

The Second Deputy Chairman of Ways and Means took the Chair as Deputy Speaker, pursuant to the Standing Order.

9.33 am

Mr. Andrew Dismore (Hendon) (Lab): I beg to move, That the House do sit in private.

Question put forthwith, pursuant to Standing Order No. 163 (motions to sit in private):—

The House divided: Ayes 0, Noes 38.

Division No. 67] **[9.33 am**

AYES

Tellers for the Ayes:
Anne Snelgrove and
Mr. Andrew Dismore

NOES

Baird, Vera
Bercow, John
Brennan, Kevin
Brooke, Annette
Carmichael, Mr. Alistair
Clark, Paul
Duncan, Alan
Evans, Mr. Nigel
Evennett, Mr. David
Field, Mr. Mark
Fitzpatrick, Jim
Flint, Caroline
Fraser, Mr. Christopher
Gove, Michael
Harper, Mr. Mark
Harris, Dr. Evan
Hill, rh Keith
Hollobone, Mr. Philip
Hopkins, Kelvin
Khan, Mr. Sadiq
Kirkbride, Miss Julie
Mackay, rh Mr. Andrew
MacShane, rh Mr. Denis
McAvoy, rh Mr. Thomas
McCabe, Steve
McDonagh, Siobhain
McGuire, Mrs. Anne
McNulty, rh Mr. Tony
Miller, Mrs. Maria
Primarolo, rh Dawn
Robathan, Mr. Andrew
Selous, Andrew
Sheerman, Mr. Barry
Skinner, Mr. Dennis
Thomas, Mr. Gareth
Waltho, Lynda
Williams, Mark
Wright, Jeremy

Tellers for the Noes:
Barbara Keeley and
Dr. Roberta Blackman-Woods

Question accordingly negatived.

Orders of the Day

Special Educational Needs (Information) Bill

Order for Second Reading read.

9.45 am

Mrs. Sharon Hodgson (Gateshead, East and Washington, West) (Lab): I beg to move, That the Bill be now read a Second time.

I place on the record my gratitude to everyone who has helped to support the Bill in its early stages. I am tremendously privileged to be able do something for pupils, parents, charities and policy makers concerned about special educational needs. I especially thank my researcher, Jonathan Tanner, who has worked flat-out for weeks to get this speech prepared and to build up all the evidence and statistics that we need to be able to talk about the subject. I particularly wanted to get that on the record; sometimes our staff do not get thanked enough.

I should state at this point that I will often refer to special educational needs as SEN as it is less of a mouthful for all involved. I am grateful for the breadth of support from colleagues on both sides of the House. More than 100 colleagues from six parties have already signed early-day motion 619 in support of my Bill. I am grateful for the support of charitable organisations across the education sector and individuals across the country who have taken time to write to their MPs to encourage them to support it and to be here today. I hope that the effort of all concerned will be rewarded this morning.

I will talk about the Bill in more detail later, but its broad aim is to introduce an obligation on the Secretary of State to collect and publish information that will help to improve outcomes for children with a range of SEN. I note from the history books that successful private Members' Bills come in all shapes and sizes. If my Bill is successful, it will sit alongside some specialist issues legislated for under this mechanism, such as hypnotism and even ponies. It will also sit alongside issues that ignite much more substantive moral debate such as abortion rights, or that bring about national change such as the law to enforce the wearing of seat belts.

As hon. Members will be aware, special educational needs come in all shapes and sizes. Thankfully, we have seen significant movement away from a society in which consideration of SEN was on the periphery of the policy agenda, but there is always more to be done. I will talk about why I chose this policy area, what the Bill will do and how it can help over time to make a difference to SEN provision.

I am sure that everyone involved or interested in SEN provision in schools and other learning institutions has their own story to tell of how their interest or involvement came about. My story will be similar to that of hundreds of thousands of parents who have to fight their way through the system to win the best possible support for their children.

The first time that there was anything to be concerned about with my son Joseph was when he was about 18 months old and a doctor pointed out at a

[Mrs. Sharon Hodgson]

routine appointment that he was not talking. I was not worried initially. I said, "It will happen eventually. He will talk when he wants to." When he was two and a half, he still was not talking, so the intervention kicked in and the speech therapy started. He said "Mam" for the first time when he was three.

By the time Joseph started school, we thought that all we had to worry about was whether the teachers and his friends would be able to understand his still noticeably delayed speech. However, it was not long before we realised that there were other problems. He was as bright as a button but was not able to get to grips with reading as his friends could. The teachers did all they could. Over the years, he has had some amazing teachers and learning support assistants, who have worked hard to help and support him.

Joseph was not diagnosed as dyslexic and statemented until he was in year 5, aged 10. He had been at school for almost six years, struggling day in day out, his self-esteem getting lower and lower, when it had been obvious within the first few months of reception class, when he was only four years old, that something was wrong. It was a relief when the diagnosis came and we were reassured that he was very bright—in the top 10 per cent. for some of the tests—but that he was severely dyslexic. This news would ignite a passion in any parent, and I think that anyone who has kept an eye on my work since I entered the House will know that sometimes my personal experiences are what drive me to seek changes through politics, and I am sure that the same is true of other Members. While I watched my son grow up and try to get to grips with his dyslexia, I became even more determined to try to do something to help others in the same situation.

My children were born in Gateshead, and my son was given speech and language therapy from the age of two and a half. When he was seven, we moved to London and that support stopped. My family has since returned to Gateshead, where the local authority is considering providing further speech and language support, as it is thought he will still benefit from it. He is now 14, and he has lost out on seven years of potential speech therapy because of where we lived, so I have seen first-hand how provision can vary across the country.

I have had conversations with people from a range of charities who agree that there is a problem not only with patchy SEN provision, but with obtaining good-quality information that would help them to further their cause. Several Members have also echoed those concerns. In order to try to establish for myself what support was available to dyslexic pupils nationally, I tabled a series of parliamentary questions. I received the same uninformative and disappointing answer to more than one of them: that the information is not collected centrally.

The charity TreeHouse has recently published a report on parliamentary questions about autism over the past 10 years. It established that more than 60 per cent. of questions about autism went unanswered, and there would be similar findings for other SENs. That represents a weakness in the Government's evidence base. TreeHouse concludes:

"We would therefore recommend that the Government commits to a review of the data currently collected on SEN, and in particular considers the need to drill down further to enable access to information about type of SEN which will assist in an understanding of the type of needs there are and help local authorities to plan to meet these needs on a needs driven basis."

I could not agree with TreeHouse more. In order to improve outcomes, it is imperative that Members can secure proper answers to questions on SEN issues, and I will strive to ensure that Ministers address that, using the provisions in my Bill.

Over the last few months, I have consulted a broad range of organisations. I have also been through reams of recent reports and recommendations from both Government and Committees—notably the excellent Select Committee chaired by my hon. Friend the Member for Huddersfield (Mr. Sheerman). There are many areas where provision could be improved, a series of specific points which need addressing and a plethora of priorities to be chosen from. However, a private Member's Bill does not offer us a panacea. I would have liked to propose legislation to ensure that all new teachers are trained to recognise a range of SEN and to provide a degree of specialist support. Dyslexia charities are campaigning hard for that.

Mark Williams (Ceredigion) (LD): Does the hon. Lady acknowledge that there is a particular need for that in postgraduate certificate of education courses? I benefited from that and it stood me in very good stead in 12 years in the classroom, but there are limitations to how some postgraduate courses address the issues we are dealing with today.

Mrs. Hodgson: I hope we will discuss that issue further in Committee and that Ministers will take it on board. It can be dealt with under guidelines; many Members are pushing for that.

It would also have been desirable to secure a new commitment to having subject-specific SEN specialists in every school who could implement a school-wide strategy for supporting pupils with specific SENs, but I am told that that needs only Government guidelines, not primary legislation. I am happy that the Government appear to be looking in that direction and I hope that the publication of further information will push them one step closer to delivering this level of support in schools for all our children.

What would my Bill provide? The powers laid out in it are twofold. First, it would give the Secretary of State further powers to collect information that he considers will help to improve outcomes for children with SEN, and it explicitly states that that information must be published annually. Secondly, the Bill outlines exactly what outcomes must be monitored. Those outcomes are broadly in line with the Government's Every Child Matters agenda, and reflect not only educational attainment but emotional well-being, contribution to society and economic well-being. That is a positive step that has not been taken before.

Discussion of what information will be published has been a feature of the debate on issues related to the Bill. After all, there is a whole host of data sets and statistics that account for SEN children in our schools. We have the numbers, we have the ages, we have the ethnicity and we have the types of need for some SEN

pupils, but that gives us only a snapshot. Real life happens in real time. By encouraging further analysis of existing data and annual publication of new information, we can build up a moving image that reflects changes in provision for and progress of SEN pupils. We can raise expectations for children with SEN, and therefore raise achievement levels, only by monitoring outcomes. It will be a step in the right direction to record whether children with SEN are happy, safe, enjoying school, achieving personal targets, making a positive contribution to society and, where possible, going on to achieve independent economic well-being. We can then highlight the valuable contribution that children with SEN can go on to make. Dyslexic children, for example, have dynamic and diverse brains, which can achieve tremendous results—we need only think of Winston Churchill, John Lennon or Richard Branson. We can also highlight areas for improvement, and encourage the Government to deliver those improvements.

Wherever possible, we should not increase the burden on our teachers, and I assure Members that that would be a vital consideration in deciding which additional information to collect. We do not want to place an additional restrictive administrative burden on teachers. It seems sensible to use the Ofsted review of SEN in 2009-10 to inform the Government of what new information will be useful in achieving the requirements of the Bill. It might be that some of the information already collected is not fit for purpose and could be replaced by different information. Such tweaks could ensure we do not pin teachers down under piles of paperwork, but obtain information from them that will help to support them in the vital work they do.

The Government's response of October 2006 to the Education and Skills Committee review of SEN states that all student teachers must

"know how to identify children with SEN and where to seek advice on less common types of SEN",

and that they must also be able to

"differentiate their teaching to meet the needs of all children, including those with SEN".

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Does my hon. Friend agree that the Government have a unique opportunity this Monday, when they publish their response to our most recent inquiry into SEN, to be positive about what she seeks: knowledge of SEN provision across the country, so that parents know what the level is wherever they live?

Mrs. Hodgson: Yes, that is a sensible suggestion from my hon. Friend, who is Chairman of the new Children, Schools and Families Committee.

Mr. Sheerman: Of which my hon. Friend is a member.

Mrs. Hodgson: Indeed I am, and I enjoy every moment.

At the moment, more than 24,000 pupils have "other" registered as their primary special educational need. There are more than 500,000 children at school action level whose needs are not categorised, and we can only guess how many children's needs go unrecognised. We need to ensure that all their needs are recognised and met. We will not be able to do so until teachers are better trained in recognising SEN.

Anne Snelgrove (South Swindon) (Lab): I commend my hon. Friend for her desire to ensure that all teachers have training in recognising SEN. It is particularly important that secondary school teachers have that. In the past, they did not, especially those who did one-year postgraduate courses. That means that when many children enter secondary school they fall through the net if they have not already been identified as having SEN. Will my hon. Friend call for one-year courses, too, to include special needs training?

Mrs. Hodgson: Yes. That is another very good idea, which we should explore further in Committee.

The Government recognise the needs, to which I referred, in chapter 3 of 2004's "Removing Barriers to Achievement" report. There is a specific commitment to working with the Teacher Training Agency to improve awareness among teachers of the signs of SEN. The Education (Special Educational Needs) (Information) (England) Regulations 1999—Members may recognise the title—amends the Education Act 1996, just as my Bill would, so we have been here before. The regulations state that schools must provide information on how resources are allocated to and among pupils with SEN, and on how their needs are identified and kept under review, yet parliamentary questions on this issue still go unanswered.

There are further commitments in the "Removing Barriers to Achievement" report that I hope my Bill will bring into sharp focus. For example, is enough being done to develop training? I of course welcome the recent announcement of £18 million of funding to support teachers who want to specialise in SEN, but it would be desirable for money to be found to train all teachers to spot the most common forms of SEN. The report also talks of a new "cadre" of teachers who will become change champions for SEN in schools. Through the framework set out in my Bill, we can predict and provide progress on this laudable objective.

It is my firm belief that the Government are well aware of the major challenges facing schools in delivering SEN provision and are working hard towards meeting these challenges. Indeed, when I first held discussions with colleagues on what could be done to improve available information on outcomes for SEN pupils, it quickly became clear that the Government are on the same page as many campaigners. However, I want this Bill to push things forward. That is why I call on Ministers to extend the current categorisation of SEN under the pupil-level annual school census down to school action level. That would change the status quo whereby only statemented children and children at school action-plus level have their type of SEN recorded.

The latest available figures show that of the 19.2 per cent. of children identified as having SEN, 2.9 per cent. are statemented and 16.4 per cent. are at school action-plus or school action level. Of this 16.4 per cent. of children who have a recognised SEN but no statement, about two thirds are at school action level. Therefore, for almost half of all children identified as having SEN, there is no indicator of what type of SEN they have. For as long as this situation persists, it will be difficult to see the full scale of SEN in our education system. By extending the recording of the type of SEN to school action level, we will place an onus on teachers

[Mrs. Hodgson]

to identify and consider more carefully the type of need a child has, rather than just acknowledging that the need exists. That would be a bonus to both the work force and pupils. Extending categorisation would provide a clearer picture across the board—for parents, campaigners and the Government.

I welcome the piloting of a census of the education work force. If extended, that would initiate a system that would enable us to monitor effectively the huge range of skills available to children across the country within our education work force. It should also enable accurate recording of the skills possessed by special educational needs co-ordinators. Ensuring that all SENCOs are teachers and that newly appointed SENCOs hold a valid qualification is another step towards improving outcomes that has already been taken, and which should be welcomed. It reflects the promises given in "Removing Barriers to Achievement" and, should my Bill be passed, I hope that consideration will be given to how the work force census can reinforce the delivery and monitoring of support for and eventual outcomes for children with SEN.

I mentioned at the start of my speech that several organisations are very supportive of the Bill, and it would be helpful to draw on some of their comments. The Special Educational Consortium, which represents some 100 member organisations from the charitable and voluntary sector, says that this issue

"is so important, as we can only improve expectations by improving data on children's progress."

In its report on SEN, Ofsted made it clear that low expectations are a significant factor in the underachievement of children with SEN. It states:

"Currently there is insufficient information available to adequately identify the scale of SEN within our schools and monitor the effectiveness of the support SEN pupils receive."

My Bill seeks directly to address this issue, and I hope that those points have helped to reinforce its objectives in the minds of all Members here today.

The statistics show that children with SEN are eight times more likely to be expelled from school, and that young people between the ages of 16 and 24 are twice as likely to have no qualifications if they have SEN. That is a terrible waste of talent, so let us ensure that we can keep an eye on these statistics, and, hopefully, watch them improve.

Mr. Sheerman: Should we not include in such statistics, as the Select Committee strongly recommended, information on the number of educational psychologists we train, the ability to access them and whether such access is uniform across the country?

Mrs. Hodgson: That information is very important, as my hon. Friend rightly says, and it certainly could be monitored within the work force census being piloted.

The Royal National Institute for Deaf People also tells us that many deaf and hard-of-hearing children are not performing as well as they could, but that it has been very hard to obtain the information it needs to tackle areas where there is poor support and underperformance. The Bill would make a crucial difference in ensuring that deaf and hard-of-hearing children's needs are properly identified, and would encourage more teachers to identify hearing loss in the classroom.

The success of this Bill will not be measured overnight. Monitoring outcomes alone will not make the difference that we need to see. If effective and public monitoring of outcomes can be a catalyst for change and enable us to see outcomes continue to improve, it is then—and only then—that this Bill will be deemed a success. Information will help to pinpoint the patchwork quilt of SEN, but it is action that will make the difference. Putting in place a statutory requirement on this Secretary of State and those who follow in his footsteps to pay special consideration to improving outcomes will trigger that action.

Currently, there is significant regional variation in SEN provision; different local authorities take different approaches. By improving information on the results of these approaches, we can identify and then hopefully roll out best practice across the country. Different local authorities face different challenges, depending on the varied social backgrounds of the local population. I recognise that policy must always be informed and adapted to meet these challenges, but I still believe that this Bill will help to mark out a clear path for progress.

Although the statementing process is the subject of much debate, the variation in the number of children statemented per local authority is not huge—only a few percentage points, in fact. The lowest figure is for Nottingham, at 1.1 per cent., and the highest is for Torbay, at 4.2 per cent., based on figures for where such children attended school. It is important to take into account the fact that the figures may be affected by the number of pupils who are outside mainstream schools, but the fact remains that at a local level, there is a marked variation in recorded incidence of SEN of more than 13 per cent.—from as low as 13.5 per cent. in one local authority, to 27 per cent. in another. There is no doubt that local authority staff are working tremendously hard to meet the identified needs of children; their professionalism and commitment cannot be questioned. This Bill will ensure that they are not working in the dark, with no easy way of identifying what works best.

It is noticeable that the Government's response to the recent Select Committee report on assessment of and funding for SEN states clearly that the Government intend to equip schools with the data needed to assess whether children with SEN are making good progress. I hope that this commitment can be extended to local authorities. This may appear to put local authorities into competition with each other, but that need not be the case. Pointing fingers will not solve problems, but a helping hand will.

I have, with the good grace of Members here today, been allowed to lay out both the Bill's immediate effect and my hopes for its implementation. The Government should be commended for delivering consistent progress on special educational needs over the last 10 years. Funding has increased, and SEN issues have penetrated further into mainstream thinking on education policy. I am confident that the trailblazers being run across the country to establish the benefits of specialist support for dyslexic pupils will show the capacity of such an approach both to deliver improved educational outcomes and to save financial resources.

Today, we can come closer to ensuring that special consideration for those with special educational needs is enshrined in statute. These children have identified needs, and I want to help to ensure that we meet them. In January last year, 19.2 per cent. of children in schools had special educational needs—that is 1.6 million children. A strong sector is willing to support these children and their families as they jump through the bureaucratic hoops necessary to secure extra support. I want them to have access to the information that will help to provide that support and that will enable them to campaign for change.

All our children should be able to use the talents they have to reach their full potential and build themselves a brighter future. This Bill will be a step towards that, and I commend it to the House.

10.10 am

Annette Brooke (Mid-Dorset and North Poole) (LD): I congratulate the hon. Member for Gateshead, East and Washington, West (Mrs. Hodgson) on obtaining a high position in the ballot and, more importantly, on her choice of issue—it touches so many people's lives and hearts. I share her passion for wanting to improve the outcomes for children with special needs and the processes involved for parents, carers and children, by which those improved outcomes might be achieved.

The hon. Lady described her experience as a parent. She was fortunate in managing to obtain speech therapy for her son at such an early age, and she highlighted how provision varies across the country. We will all have been approached by parents and carers in our constituencies who desperately want to achieve the best possible education for their children. I am in touch with a parent autism support group based in Poole, and I have listened to the many concerns of individual parents; a frequent cry is, "Why is it a continual battle?" TreeHouse recently organised an event in my constituency to enhance communication between Poole borough council and this group. A lack of belief and confidence in the local authority emerged from the discussion, and more information might help the situation.

The two Select Committee reports on the matter, which were published in 2005-06 and 2006-07, have made an important contribution to the debate on special educational needs. Many of us feel that whatever role we had to play in the educational system, we had neglected this area over many years. Important issues were highlighted in both the reports in terms of parents' confidence and the information available to them. I endorse the recent report's recommendation that publishing provision maps for each area would at least help to inform choice.

Our Government speak a lot about choice for parents and pupils. Parents often feel that they have no choice in the area of special educational needs. It is difficult for parents to make informed choices. When I was Poole borough council's chairman of education, I was delighted that we had a funded position in the parent partnership services to offer parents what was supposed to be independent advice. Sadly, parents do not have confidence in the independence of that advice—I find that increasingly in my work as an MP. I can only feel that information would help. We need more information at individual level. We need to know what is available and how it is used. I agree that we need to review the data held at individual, school, local and national level.

Ofsted's latest annual report, which is important at school level, said:

> "Where pupils with learning difficulties or disabilities made good or outstanding progress...Effective planning ensured that resources and support were targeted to meet pupils' particular needs so that their skills and confidence developed at a good pace."

Teaching assistants were seen as important. Conversely, the report said that where there was gross underachievement in pupils with learning difficulties

> "the tasks set were too hard or they were not demanding enough to extend pupils' skills and understanding."

In other words, we need the good use of data within the classroom and the school context, and that must be matched up with teacher training, which, as has been said, is important. We must extend that to the training of classroom assistants, who have an incredibly important role to play.

Mr. Sheerman: Does the hon. Lady agree that not only the initial teacher training process, but the continuous professional development is essential? Some of the teachers who are in place need such training. Appropriate training modules are available and they are not as expensive as some Ministers fear.

Annette Brooke: I thank the hon. Gentleman for his intervention, because I agree that that is the case. The Government have committed—I believe in response to the first of the Select Committee's reports—to provide more continuous professional development. I would like some hard information on that. Is it really happening? Is the supply cover being provided in schools to release teachers to receive that training? That training is essential not only because of the postgraduate certificate of education, but because we also have school-centred initial teacher training—SCITT—and even "Teach first", where the very talented graduates go straight into the classroom. I would not think that they would be experts across the whole SEN sphere, so such training is vital.

As the Special Educational Consortium, reinforced by the Royal National Institute for Deaf People, says, having more information has the potential to improve our understanding of what works, to provide a better basis for the sharing of good practice, to improve our understanding of training and professional needs and to provide a more secure basis for the development of national policy. The Ofsted report of 2004 found that under-expectation was a significant factor in the underachievement of children with SEN and that too little is known about the attainment of pupils with SEN. We know that the RNID is flagging up the incredible statistic that only 32.9 per cent. of deaf children across the board achieve five GCSEs at grades A to C, whereas the average for all children is 57.1 per cent. We need to know more about that underperformance.

I received an interesting representation from a teacher, and as we are all acknowledging that teachers are so important, I should like to go through it. The teacher stated:

[Annette Brooke]

"As a teacher with over 20 years' experience in special education, I know how current legislation inadvertently hinders the development of inclusive provision for all learners. There is currently insufficient information available on the extent of diversity of learners in schools, this means that there is not enough information on pupils identified as having special educational needs and, as a result, provision cannot be effectively planned or monitored. Current statistics available do not even sufficiently record the number of pupils said to have special educational needs...This will have a direct bearing on strategic planning for effective provision."

The statistics will also obviously inform how the range of teacher training that we have mentioned needs to take place and the development of best practice.

It is pretty obvious that good information is needed to underpin strategy at local and national level. We need to address the individual school, local authority and national levels. The Ofsted report of 2004 said that only a quarter of local education authorities had strong strategic management of SEN and the majority had weak evaluation systems. It is a long time to wait for 2009 and the next big Ofsted report. It is therefore important that this Bill is being introduced today, so that we can start digging in to some of these important issues.

John Bercow (Buckingham) (Con): I wonder if I may put to the hon. Lady something that only the other day illustrated to me the failure to understand the significance of the issues with which we are dealing. A well-meaning, but relatively ill-informed councillor, in a part of the country that I will not identify, said to me that he thought that I was, in taking an interest in speech, language and communication needs, championing a noble cause. However, he said, he thought that I should understand that it was already a huge challenge for local education authorities to preserve front-line services, and that provision for SEN had to be considered in that context. Oh, how sad it is when someone is so ignorant.

Annette Brooke: I thank the hon. Gentleman for his intervention and he sums up the feeling in the House that not enough attention has been given to special educational needs. Inevitably, there has been a focus on raising standards and achieving the five A-C grades. If a school is making a decision on how to allocate its resources, it can be target driven and may not direct them to where the need is greatest.

Collecting information on school action is especially important. Much funding for special educational needs is delegated to schools, and parents do not have confidence that that money is necessarily spent on special educational needs or the needs of their offspring. Clearer information would help schools to demonstrate that they are indeed allocating funds to the area for which they are designated. We all have a part to play in moving forward the debate on special educational needs, and that is why it is so important that we have excellent champions of the issue on both sides of the House to raise its profile.

The Bill contains two basic proposals that would place a duty on the Secretary of State to collect and publish information on children with special educational needs. Both relate to England. Both duties are focused on information that could help to improve the wellbeing of children with SEN, and such information would have to be published each year. It is important that the information should go beyond educational achievement, and the reference to the five outcomes from Every Child Matters—stay safe, be healthy, enjoy and achieve, make a positive contribution, and achieve economic well-being—is very important.

There are so many issues facing children with special educational needs and their families. The bullying and exclusion rates are well documented, so we know that we must address the whole child, not just the educational results. As the hon. Lady said, TreeHouse has just completed research into parliamentary answers on autism over the past 10 years. It was not surprising that the Government were unable to, or have chosen not to, answer many of those questions, because TreeHouse found no estimate is made of the information requested or it is not collected, there are no plans to collect the information requested or it is not possible to provide it, records are not kept, data are not readily available, no information is available on the question, or the information requested is not held centrally. That sums up the huge gaps in our knowledge.

It is important that the Bill addresses all types of special needs. I am very interested in the causes of dyslexia and autism, but those are perhaps high-profile special educational needs that, as amateurs, we know a fair bit about, and there are many different types of special needs. The more we learn, the more we find that particular types need a particular approach in the classroom.

I have received a representation from the Joint Epilepsy Council, and epilepsy is a condition that we have not discussed much in our debates on special educational needs. The JEC points out that children and young people with epilepsy routinely experience potential health, learning, behavioural and emotional needs as a direct or indirect result of their epilepsy. One has only to visit a special educational needs school to become aware of that. The JEC believes that the Bill could help children with epilepsy, if the Government were to collect more data on the population of children and young people with epilepsy, it could improve outcomes and education for those with the condition. It is important, therefore, that we ensure that we are covering the widest possible range of special educational needs.

Mr. Sheerman: We all know that many schools deliberately exclude children with special educational needs. Many parents support those schools. They may believe passionately that SEN is an important educational challenge, but they may also support schools that do not want SEN children in their midst. It is a real problem that schools today can still exclude poor children, children with special educational needs and looked-after children—and get away with it.

Annette Brooke: I am in danger of taking part in debates on several issues this morning as I care about so many of them. The hon. Gentleman's point is right, and parents can have justifiable concerns if behaviour in the classroom makes the situation difficult for all pupils. The answer is not exclusion, but proper provision and support for the children with special educational needs. Exclusion is the quick-fix option.

Mr. Sheerman: The hon. Lady has misunderstood my point. The intake of so many schools in the independent sector, or of grammar schools and even faith schools, manages by some mechanism to include almost no SEN children.

Annette Brooke: That is true. There are great variations in intake and that is then reflected in the results of the schools. We now have admissions policies, in which children with special educational needs should be given fairly high priority, and I hope that the Government will take that into account when ensuring that the admissions policies are followed.

I recently tabled a written question to the Secretary of State for Children, Schools and Families that asked

"how many children aged (a) 1 year, (b) 2 years, (c) 3 years, (d) 4 years and (e) 5 years were identified as having a special educational need in each year since 2001, broken down by local authority."

The answer read:

"The information requested can only be provided at disproportionate cost." [*Official Report*, 28 January 2008, Vol. 471, c. 176W.]

I have two concerns about that. The first is the mention of disproportionate cost, because it is claimed that this Bill will not require any extra resources. We should be wary of that claim, because it might have cost implications. I would not want us to pass a Bill and raise expectations if resources were not available to match them. But my greatest concern was that I was trying to obtain information on early years, on the basis that early identification, matched with appropriate support or treatment, is crucial.

It is really important for us to know how many children have been identified at age three or age four and all the way through, because we could then track how effective we are at making early identification. We could track how good our early years provision is and the training of early years workers, which is just as important as the other training that has been mentioned. Some special educational needs will be identified only when the child is slightly older, but there are nevertheless a number of conditions, some of which the hon. Member for Buckingham (John Bercow) is involved with, that would benefit from specialist early intervention.

We should see any costs in the SEN sector as an investment. If we identified special needs at an early age and intervened appropriately, there would be large savings over years in money spent in the school system, and perhaps even in the prison system.

It is important that we see the measure as a way of raising expectations, by improving information about children's progress and helping to establish the right infrastructure. We must be wary, however, of raising false expectations. Will data collection bring utopia? I am not at all sure that on its own it could possibly do so. Implementation and teacher training across all courses is all-important.

The special educational needs co-ordinator is important. One of the recommendations of the earlier Select Committee report was that the SENCO should be a member of the senior management team. That is absolutely vital. There can be no working SEN leadership in schools unless the SENCO has status in the school. That person will of course be selected for their leadership qualities. We need a whole-school approach.

Educational psychologists have been mentioned briefly. I have spoken about them quite a lot in Parliament. From my contacts I understand that there is still uncertainty about who will fund training for educational psychologists and how it will be funded. The Government have responded to the concerns that arose from the change in qualifications for educational psychologists and in the training process, but we face the prospect of at least a year when there will be few new educational psychologists coming through the system. There is a sense of insecurity; people have told me that they do not want to go in for that career because they are not sure how their training will be financed. That is serious.

We need to address much more than just data. We must make sure that we are not simply collecting data for data's sake. We do not want bureaucracy for bureaucracy's sake. We do not want league tables to emerge from the process, but evidence-driven policy sounds like a pretty good idea, if we can use the evidence at individual school, local and national level to improve outcomes for all our children with special educational needs.

I give the Bill my support, but I look forward to the Committee, because there is a lot of detail to be teased out to make sure that we have information that is monitored and used so that it leads to better outcomes.

10.33 am

Barbara Keeley (Worsley) (Lab): I am pleased to speak in support of the Bill. I congratulate my hon. Friend the Member for Gateshead, East and Washington, West (Mrs. Hodgson) on securing a high place in the ballot and on developing her Bill and introducing it as she did this morning. Considerable work has gone into the measure and I welcome the provisions and the timeliness of their introduction. I know how passionate my hon. Friend is on the subject of special educational needs—her passion was reflected in her speech, which was heartfelt and compelling.

My hon. Friend said that special educational needs come in all shapes and sizes. I want to focus on deaf pupils and to consider how existing SEN provision affects them. First, however, following my hon. Friend's speech and interventions from my hon. Friend the Member for Huddersfield (Mr. Sheerman), I pay tribute to St. George's Roman Catholic high school in my constituency—a mainstream school that excels in provision for pupils with SEN. About 15 per cent. of the pupils have some level of special educational need and it was the first school in Salford to be involved in the dyslexia-friendly schools initiative. The measures outlined by my hon. Friend the Member for Gateshead, East and Washington, West can but help to improve St. George's—to develop and better the school's already impressive performance. As we have already heard, it is important that schools such as St. George's are willing to tackle SEN and not take the easier path of concentrating on pupils with no extra needs.

I am sure all Members agree that SEN is a complex issue. The range in type and extent of special need is wide; different needs require different provision, which

[Barbara Keeley]

is why I want to focus on the needs of pupils who are deaf. There are about 35,000 deaf children in the UK; 90 per cent. are born to hearing parents who have no experience of deafness or knowledge of how to communicate with a deaf child. Until the new-born hearing screening programme was rolled out in 2006, diagnosis in the early years was poor, which meant that deaf children often missed out on crucial opportunities to develop their language and communication skills. The National Deaf Children's Society says that an undiagnosed deaf child aged three will know only about 25 words, compared with 700 words for a hearing child of the same age.

Lack of information and support after diagnosis has been a problem. If hearing parents with deaf children lack adequate support they will be prevented from making informed choices about how to support their child and communicate with them effectively. The combination of those factors means that deaf children are generally a long way behind their hearing peers when they start school, even if they have similar cognitive abilities, which leads to a big gap in educational achievement.

Fortunately for deaf children in my constituency, the Thomasson Memorial school for the deaf in Bolton, which is a regional resource, is available to them. Every year, a number of my young constituents attend the school, where one of the teachers is another of my constituents—Mrs. Eileen Hosie. I have visited the school, which is in the constituency of the Secretary of State for Transport, my right hon. Friend the Member for Bolton, West (Ruth Kelly). The school is making an excellent contribution to the provision of education for deaf pupils in Salford and throughout the north-west. Many areas do not have such resources, however, which compounds the attainment gap for deaf pupils.

In March 2007, when the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Gloucester (Mr. Dhanda) was a Minister in the Department for Education and Skills, he stated in a Westminster Hall debate that only 32.9 per cent. of deaf children in England achieved five or more A to C grades at GCSE, compared with the then national average of 57 per cent. That is an attainment gap of 24 percentage points. Given that deafness is not a learning disability there is no reason why deaf children should achieve less than their hearing peers of similar cognitive ability. That gap is not acceptable to me.

Those statistics demonstrate the importance of the Bill, because they were the only statistics my office could find on the educational attainment of deaf children. If we do not know that the gaps exist, how can we take appropriate action to close them? I welcome the duty to collect and publish information about children with SEN that the Bill would place on the Secretary of State. It is important for a variety of reasons.

At present, there is little incentive for local authorities to make the provision needed to reduce the attainment gap between deaf and hearing children. By collecting and monitoring information on provision and on outcomes for deaf pupils we could do many more things. We would know about the attainment gap and understand it, so we could start to see where targeted action is needed in schools. We could identify high-performing areas across the country and find good practice that could be shared with other areas. We could assess which interventions were effective in raising the achievement of deaf children. We could improve our understanding of the training required by teachers so that they can communicate effectively with deaf or hard of hearing children. We could give the parents of deaf children more informed choices and enable the public to hold local authorities to account for their performance in the education of deaf children.

As my hon. Friend the Member for Gateshead, East and Washington, West said, the Bill will make a crucial difference in ensuring that the needs of deaf and hard-of-hearing children, as well as the needs of those with other special educational needs, start to be properly identified and addressed. Importantly, the Bill will complement the recent progress that has been made by the Government in improving the life chances of deaf children.

The report "Aiming high for disabled children: better support for families", which was published in May 2007, set out the vision that every disabled child should have the chance to fulfil their potential. Such a vision requires the collection of information for which my hon. Friend is calling. Of course, it was announced in the children's plan that £18 million would be used to provide better data for schools about the progress of pupils with SEN. That is key.

Furthermore, the roll-out of the new-born hearing screening programme, which I mentioned earlier, will result in the majority of deaf children being identified by the age of six months. That should remove a key barrier to the development of deaf children. There is no reason in principle why the attainment gap for deaf children should not now start to close provided that there is sufficient political commitment supported by a programme of targeted interventions. That is where my hon. Friend's Bill comes in.

My hon. Friend acknowledged that the Bill does not offer a universal solution. The Royal National Institute for Deaf People and the National Deaf Children's Society have both said that rather than effecting change, the collection and analysis of information on SEN will facilitate change. The data will provide these and other organisations with the leverage to campaign for improved policies and to build progress on progress.

My hon. Friend has shone a spotlight on unnecessary underachievement, and I commend her for it. I support her Bill because its measures will help to ensure that every child has an equal chance of success. We cannot continue with a 24 percentage point attainment gap between deaf children and hearing pupils, and the massive waste of potential that goes with it. My hon. Friend's Bill will be an important step towards closing that gap, and I hope that we will support its Second Reading today.

10.41 am

Mr. Christopher Fraser (South-West Norfolk) (Con): As a dyslexic and the father of two dyslexic children, and as secretary of the all-party group on dyslexia and specific learning difficulties, I congratulate the hon. Member for Gateshead, East and Washington, West (Mrs. Hodgson) on introducing this Bill. She spoke

with passion and a real-life understanding of the issues, and she shared her personal experience of SEN with the House. I hope that others will join me in expressing our thanks to her for promoting the Bill. I hope that it will have the success that it deserves.

The charity Dyslexia Action has emphasised the explicit link between unidentified dyslexia and poor literacy, long-term failure at school and limited employment opportunities. That outlook might sound hugely pessimistic, yet it highlights how crucial it is to provide children who have special educational needs with an education system that helps them to reach their full potential. Dyslexia is only one of many specific learning difficulties suffered by millions across the country. As the hon. Lady pointed out, 1.6 million children have SEN. Of those children, 2.9 per cent. are statemented and 16.4 per cent. are not. That illustrates why provision for children with SEN should be a priority for any Government.

Any parent who has experienced the diagnosis of their child with a specific learning difficulty, whether it is moderate or severe, will know how distressing that can be, yet they will also take comfort from the fact that with the right education and support a child with SEN can lead a fulfilling and accomplished life. The Government have made efforts to increase the integration of children with SEN into mainstream schools. The argument is that inclusion will be beneficial to those with learning difficulties. As a consequence, in the past decade about 93 special schools have closed down.

Mixing the education of children with learning difficulties with that of pupils who are, broadly speaking, in the average and above average range can produce positive results. However, for children with severe learning difficulties, the classroom can be an isolating and demanding environment if appropriate inclusion strategies are not followed. Does the Minister accept that it is vital that local education authorities, schools and parents have the relevant data, so that they may see the successes, the failures and where there has been progress? All in all, we need a clear and coherent picture across the board.

As we have heard, LEAs are not required to publish their data on SENs in a standardised format so that they can be brought together to be analysed and compared with the data of other LEAs in order to allow bad practice—and, most importantly, good practice—to be identified. On top of that, the categories into which children with SEN are placed are too broad to be truly effective in allowing us to understand the complex needs of pupils with different learning difficulties. The information that does exist falls under one great umbrella that does not take into account the very specific support and provisions that individual learning difficulties require. For example, a child with autism has a set of needs different from those of a child with dyslexia. Does the Minister accept that there is a common belief among many SEN specialists and charities that the system does not sufficiently take that into account?

Discussions with colleagues in Norfolk have shown that there is certainly agreement that the gathering of SEN information in a way that promotes clarity and transparency would be most effective as a planning tool. I am pleased to announce to the House that Norfolk county council, entirely of its own accord, has already started to collate such data for that reason. I commend the council for doing so.

Initial teacher training is another important issue to bear in mind. Although the Bill does not cover teacher training, does the Minister agree that it is crucial that we should have a joined-up approach to dealing with SEN? We need to have the right information on SEN, but teachers also need the necessary skills to support and guide children with learning difficulties. That is all the more important in light of the Government's determination to continue their policy of inclusion. What are the Government doing to expand the SEN aspect of initial teacher training? Does the training take into account the different needs of a child with attention deficit hyperactivity disorder and of a child with severe dyslexia, for example?

Children with learning difficulties have a right to an education that considers fully their specific requirements. They should be able to have a fulfilled life because of the education that they receive, and that right should be equal to the rights of more able pupils. I strongly urge the House to support the Bill so that we can achieve that.

10.47 am

Anne Snelgrove (South Swindon) (Lab): I, too, congratulate my hon. Friend the Member for Gateshead, East and Washington, West (Mrs. Hodgson) on introducing the Bill. I am proud to support her Bill, which is a model of its kind. May I say how disappointed I am that the Press Gallery is not bursting at the seams? We in this House are criticised, rightly, when things go wrong. On days when we consider private Members' Bills, many hon. Members promote Bills such as this one, which gain support across the House. They do noble things, yet the press are not present to listen. I understand that notable members of the Press Gallery have children with special needs, and it is a shame that the Bill will not reach the wider audience that it deserves. However, I am sure that we will do our best as individuals to ensure that it receives wide approbation in our constituencies.

My hon. Friend has worked tremendously hard to gain Government and Opposition support for her Bill. She has had many meetings, which she has enjoyed, to negotiate with Ministers and others. I shall use that model for my private Member's Bill once the Government finally decide which Minister is responsible for it—after all, it was published only two months ago.

I have been involved in special educational needs since I was a volunteer assistant at a special school at the tender age of 16. It was as a result of that experience that I became interested in a career in education. As we used groundbreaking drama techniques and trust exercises with the young people, I also became interested in pursuing an educational drama career, which was quite unusual for someone from my school. It was tremendously inspiring and I remember that time well, even though it was many years ago. Since then, special educational needs training and teaching have come on in leaps and bounds, but we have still not done enough. People are still teaching in schools where the necessary information on the children that they are teaching is not gathered, and that teaching is not as good as it could be if we had the right information and could properly target in-house teacher training courses.

Mark Williams: I share the hon. Lady's enthusiasm for the Bill. We have talked a lot about the confidence of parents and children—it is at the core of the Bill—but teacher and staff confidence is an issue as well. I recollect what a challenge it is for a teacher who has had no professional development or initial teacher training whatever in the challenges of autism to be summoned to the head teacher's office and told that a severely autistic child will join their class the next week. Does she agree that the issue relates to teacher and staff confidence as well as parents and children?

Anne Snelgrove: Absolutely. The Government are to be commended for increasing the number of teaching assistants working alongside teachers. If I had had a teaching assistant to work alongside me when I was teaching in middle and secondary schools, my teaching practice would have been so much better. It would have enabled me not just to cope but to teach all the children in my class to their full ability. Secondary school teachers in particular need the kind of help that the hon. Gentleman recommends, because they often miss out. The teacher training that they get is very much subject-based, not child-based. That is a generalisation—it is not so everywhere—but it is, unfortunately, true for many teachers.

Mrs. Maria Miller (Basingstoke) (Con): Does the hon. Lady share the concern of the organisation Xtraordinary People, which found in a recent survey of 1,000 parents of children with special educational needs that 70 per cent. of those children were not receiving learning support from a teaching assistant with training in dyslexia or any other special educational need?

Anne Snelgrove: I have not seen that survey, so I shall just make some general comments. I shall come to definitions in a moment; it is important that we unpick what we mean by dyslexia and special educational needs. I agree that teachers and teaching assistants should have training in those issues, and we need to look closely at whether dyslexia and other special educational needs are recognised in local authorities and teacher training institutions. That is why the Bill introduced by my hon. Friend the Member for Gateshead, East and Washington, West is so important. Until we have the relevant information, we cannot come to definitions or concentrate on the gaps in initial and continuing teacher training provision.

Information is needed about all aspects of special educational needs. When we discuss the issue in this House, hon. Members, myself included, often use "special educational needs" as a blanket term to cover all sorts of disabilities, and sometimes even abilities, but it refers to many disparate conditions. It includes children with physical disabilities who may be academically able and those with severe or moderate learning difficulties who may be physically able. It is important that we start to consider better categories for use when we talk about the issue, as well as for use by local education authorities and in teaching.

Although there is considerable overlap between the group of pupils with special educational needs and the group of disabled pupils, there are also children with a special educational need who are not disabled and vice versa. I understand that the universities of Bath and Bristol are conducting research, commissioned by the Department for Children, Schools and Families, on how pupils with special needs can be identified. I hope that the research will inform future policy. I agree with the hon. Member for South-West Norfolk (Mr. Fraser) on the broadness of definitions of dyslexia. We need to make sure that we in the House know what we are talking about, but we should also tackle the educational establishment, parts of which still deny that the conditions that we are talking about exist. I was a member of that establishment for 18 years, and I was taken in by that argument at times. It is sometimes parroted by people in that establishment, but that is not thoughtful enough. We need to make sure that everybody is on board and accepts the definitions that the Government will, I hope, bring forward.

The current system does not identify separate learning difficulties; instead it chooses only to class them as either moderate or severe. Without accurate information of the kind that would be provided under my hon. Friend's Bill, it is impossible to get a firm grip on the scale of the issue. Lumping two groups of pupils together, or any groups of pupils together, is simplistic, and it does the children a disservice. It means that we fall back on emotional arguments about educational provision, rather than looking at what is best for each child within the constraints of the system.

We cannot pretend that there will never be any constraints. Sometimes hon. Members make an impassioned argument for a particular type of provision, but it would result in so much funding being put into one area that there would be a disproportionate knock-on effect on educational funding for other children. We must be realistic. Throughout my involvement in education there has been debate about how much money, and how big a proportion of the education budget, should be spent on special needs. It is right that the debate should continue.

Despite the large real-terms increases in special needs funding in the past 10 years, there will never be enough to satisfy every single parent's wishes for their children, whatever the colour of the Government. We must be realistic about that. Some special needs places are extremely expensive. One case that I dealt with involved an outside placement costing £96,000 a year. The local authority had to balance the needs of that one child and the child's family with the needs of all other special needs children in our town, including those in mainstream schools—a difficult task.

Kelvin Hopkins (Luton, North) (Lab): I agree strongly with what my hon. Friend says. Does she agree that if a child has particularly large expenses, those expenses should be centrally funded, because there might be a disproportionate number of such needs in one authority and none in another?

Anne Snelgrove: I find that an intriguing way forward, particularly as I represent a small unitary authority—as does my hon. Friend, I believe. I would certainly give full consideration to that view, and hope to have discussions with him after the debate.

I want to refer to Baroness Warnock, for whom I have great admiration, although she represents another party. In my teacher training, I spent some time

considering her 1978 report, which stated that 20 per cent. of children had special needs. She included children in mainstream schools in that figure. I listened with interest when my hon. Friend the Member for Gateshead, East and Washington, West said that there were 1.6 million children with special needs in this country. Baroness Warnock promoted inclusion, but she has since issued a pamphlet refuting it. It was always the case that some children with special needs were in mainstream schools and others were in special schools. The problem was not solely about where education took place; it was also about its quality. In 1978, some children with special needs were in special schools but not receiving appropriate education that stretched them, and others were in units in ordinary secondary schools and also did not receive the appropriate education. We in the House have to be brave enough to say that we need to look at the needs of the child, rather than the needs of the institution. I do not advocate closing special schools for the sake of closing special schools. I advocate doing what is right for the child.

Mr. Mark Harper (Forest of Dean) (Con): I want to convey a small point of information. Baroness Warnock is a Cross Bencher, not a representative of "another party". I am pleased that the hon. Lady welcomes Baroness Warnock's publication of her new views on special educational needs.

Anne Snelgrove: I thank the hon. Gentleman for his correction and apologise to Baroness Warnock—I must have inferred from her comments that she was a member of another party.

The Warnock report rightly challenged many assumptions, especially prejudice about the potential of children with special needs. My hon. Friend the Member for Worsley (Barbara Keeley) identified very well the gap in attainment for children with hearing difficulties and deaf children. It is 24 percentage points at GCSE level, which is incredible. I suspect that it is the same for other disabilities such as blindness, and it is shaming that we have not examined the matter adequately in the House. My hon. Friend is right to focus on that.

Thirty years after the Warnock report, we still need to challenge assumptions. Many of the children whom we are considering need and deserve a properly resourced place in a mainstream school. Many deaf children would be better off being stretched educationally in a mainstream school, but with properly trained secondary school teachers, as other hon. Members have said. They do not need a return to the prejudice and second-rate provision of the 1970s that Warnock identified. The system that I advocate is based on the needs of the child, not the assumption that mainstream provision is always wrong and special needs schools are always right. It clearly depends on collecting and analysing the correct data—that is why the Bill is crucial. It seems like a small point, but it is a huge matter. We should be able to base our actions on the right information.

The education of all children in my constituency concerns me greatly, and I believe that the measure will be the gateway to improvements that are necessary to continue the trend of improvement that we have experienced in the past 10 years. It is important that special educational needs policy be allowed to develop and that best practice be allowed to flow from that. The Bill will be the oxygen to invigorate the process.

Like my hon. Friend the Member for Gateshead, East and Washington, West, I am frustrated when I submit a parliamentary question and receive the response, "This information is not collected centrally." It is disappointing to hon. Members and our constituents. I look forward to tabling questions in future and receiving full and correct information from the Department.

The case for collecting information on the specialist support for children with dyslexia is even more compelling. My hon. Friend and I belong to the all-party group on dyslexia and specific learning difficulties. We know the despair of some of the parents and professionals involved. They are often condemned as fanciful in their belief that dyslexia exists and they are frustrated and angry about that. However, those campaigners need access to the facts. That will enable us all to assess where local authorities are best meeting the identified needs of the children and end the current postcode lottery of provision.

My local authority has a good record on dyslexia, despite being small. However, the information for parents is not there because it is not collected centrally. Some of my local parents are frustrated because when they compare the provision for their child with that in other local authorities, they feel that the provision for their child is not adequate. It is impossible, as a Member of Parliament, to say whether that is true, because we are not collecting the data. Sometimes, parents feel guilty and blame themselves for not fighting hard enough for their child, and we cannot tell them whether that is correct. Again, we fall back on emotion rather than on what is right for the child.

The Bill strengthens the Secretary of State's power to collect information and will assist in improving outcomes for children with special educational needs. Like my hon. Friend the Member for Worsley, I am pleased that the National Deaf Children's Society is supporting the Bill. Dyslexia Action also supports the measure. That is important to me and to my hon. Friends.

A big question for parents, teachers, schools and organisations such as Dyslexia Action is the lack of specific information about what is happening to special education in schools. The Bill demands transparency for that complex provision, which is often frustratingly patchy—good in some places, bad in others. I am pleased that Ofsted will examine SEN provision in its review in 2009. We hope that schools and local authorities will be more accountable for detailing the specific provision that is on offer. I hope that the Bill will be law by 2009 so that it will inform the Ofsted report.

11.4 am

John Bercow (Buckingham) (Con): It is a great pleasure and privilege to follow the hon. Member for South Swindon (Anne Snelgrove), with whom I have jousted constructively in several such debates over a significant period. I am well aware of her background and great interest in the matters that we are considering.

It is also a pleasure for me to be one of the first to congratulate warmly and sincerely the hon. Member for Gateshead, East and Washington, West (Mrs. Hodgson)

[John Bercow]

not only on her admirable and heartfelt speech this morning, but on all the work, planning and forethought that led up to this important occasion. I was pleased yesterday evening to join her and several colleagues, as well as representatives of interest groups, to mark the Bill, the occasion of today's debate and the great sense of optimism that her work has produced.

I declare an interest again as the parent of a child with significant special educational needs. My elder son Oliver, who is four, has notable speech and language difficulties and was diagnosed last summer on the autistic spectrum. He is a pupil in central London, where he receives fantastic help in a language unit in what I would describe as a language-rich mainstream school, which is driven by the tremendous commitment, vision and inspiration of the head teacher and his senior staff.

No parent would ever say, "I'm not worried about my child." We are all concerned about our children. However, I confess that my wife and I feel that we are very fortunate that we managed to identify the existence of difficulties at an early stage, to access help, to secure a placement and to start the process whereby our child is assisted and becomes—this is important—a much happier little boy than he was for a while, or otherwise would be.

My concern is therefore not specifically for my child but for the vast number of children, some of whom I have, of course, like other hon. Members, encountered in my constituency, who simply do not receive the help that they palpably need. With the hon. Member for Stourbridge (Lynda Waltho), I work in the all-party group on speech and language difficulties, which I have the privilege of chairing. Some hon. Members will know that the Government asked me to lead a review of services for children with speech, language and communication difficulties, aged from 0 to 19, with a view to publishing an interim report in March and a final report in July, suggesting how best we can take forward provision. I was happy to agree to undertake that task, because we are considering a set of issues that need not be a matter of great party political combat, and about which there is considerable potential for common ground between public-spirited people of all political persuasions and none.

I welcome the Bill because there is a knowledge gap—an information deficit. Too little is known by too many, and that has been the case for too long. That is unacceptable. If the position were to continue, it would represent an abdication of our public responsibility. That is why the fact that the hon. Member for Gateshead, East and Washington, West has identified the problem and proposed a way forward is so welcome.

What do we know? We know quite a lot, and I should like to highlight at this stage that we all know, talk about and celebrate the priority that should be attached to early intervention.

Let us take the field in which I have a particular interest: speech, language and communication needs. A considerable body of evidence shows that early intervention can be hugely effective. Something like 10 per cent. of school-age children suffer from speech, language and communication difficulties. The evidence is clear that, if we identify and help a child with a speech delay or speech impairment before he or she reaches the age of five or five and a half, the problem will be overcome or very substantially reduce and the child will be able to access the national curriculum, opportunities and courses, and fulfil his or her potential.

The corollary is that the absence of early intervention is massively damaging. What are the consequences of the failure to identify, and prescribe and provide for, children with speech, language and communication needs? The answer is fairly harrowing: emotional and psychological difficulties; behavioural problems; lower educational attainment; poorer qualifications; weaker employment prospects; persistent communication handicaps; challenges to mental health; and, in the worst-case scenarios—the evidence is on the record to demonstrate this—a descent into criminality. People who do not get help and suffer from untreated communication disorders are more likely to commit crime, commit it again and end up incarcerated. *[Interruption.]* I am sure that the point is of great interest to my hon. Friend the Member for Blaby (Mr. Robathan), who is sitting on the Front Bench and is, I think, motivated to intervene.

Mr. Andrew Robathan (Blaby) (Con) *indicated dissent.*

John Bercow: He was not; he was simply chuntering from a sedentary position. However, I am sure that he takes a close interest in these matters, which are of enormous importance to this country. I would like to think that every Member in the Chamber now is here because he or she is interested in listening to and perhaps making a contribution to the debate, rather than engaging in some other activity.

Let me say what I think is incredibly important. When we talk about information, we do not mean information in a vacuum and for its own sake, but information as the route to knowledge and the mechanism and catalyst for change. Let us take parents; there is a great deal to be said for providing information to them. I am thinking of information given through suitably trained health visitors, general practitioners and teachers, or through children's centres, local education authorities and individual schools.

I have heard a particular gripe many a time and oft: that parents in my constituency have not been able to request a particular service or a place at a given facility for the simple reason that they cannot ask for something of whose existence they are unaware. I know of an outstanding pre-school specialist facility in my constituency—the Puzzle pre-school, which caters for children on the autistic spectrum. It is run by Alex Stanyer, a woman of almost unbounded talent and commitment. She has told me, so many times that I cannot count them, that even though the local education authority is aware of the existence and record of her provision—it is a voluntary sector provider—it does not tell parents that it exists. That is one example of how we can apply existing duties better. Perhaps the Government need to consider a change in the regulatory environment or the means or frequency of information publication to make parents aware of

what can be made available to them as they try to negotiate the Kafkaesque process of securing access to equitable provision.

There is also the question of training, to which I animadverted a moment ago and to which several Members have already referred. I am thinking of the training of the whole children's work force—not only of speech and language therapists, who work in the field that preoccupies me, or of teachers or head teachers. I also mean the training of learning support assistants and all who are in contact with children. The hon. Member for Mid-Dorset and North Poole (Annette Brooke) mentioned different elements of training. It seems to me that there are two elements to the training offer: first, the question of its availability, and then the question of the release of professionals to access it. We all agree that far more needs to be done on special educational needs training—most certainly in respect of initial training, but also in respect of continuing professional development, as the hon. Member for Huddersfield (Mr. Sheerman) observed earlier. We have to understand that special educational needs training is not an isolated fact, but a continuous process. It has to go on throughout the career of the professional if it is to be of appropriate benefit.

I am horrified that in the modules for initial teacher training the time devoted to special educational needs is lamentably inadequate. Trainees get something like half a day's induction, which is intended broadly to cover all elements of special educational needs. The hon. Member for South Swindon was right to say that we must not be unrealistic. We cannot expect training modules to inform potential teachers in detail, with great opportunity for practical examples, about every single condition. That is not realistic. I know that there is always great pressure on the teacher training timetable, but far more needs to be done if trainees going into the profession are to be broadly well informed about the range of problems, strategies, devices and sources of support that they can access in the interests of children.

Mr. Harper: My hon. Friend makes a good point. Continuing professional development is key, because of the range of different needs. If a teacher or professional working with children comes across a special educational need with which they are not familiar, they need to be able to access training on that specific need to look after and support the child.

John Bercow: My hon. Friend is absolutely right, and I would like to emphasise this point about the courses. The Government are very conscious of the need to build on their existing work and provide such funding as they can afford to increase training opportunities for people in particular disciplines. That is right, but there are always two sides to the equation. It is one thing for the Government to say, "Here are the resources; more needs to be done in this field, as there is not sufficient training," but it is another to deal with the situation locally. Potentially, a wide range of courses is available, but we have to think about other things, as the hon. Member for Mid-Dorset and North Poole did in her contribution. Is the local authority aware of the importance and potential value of the training? Is there a strategic lead in the local authority? Has the issue's importance been adequately impressed on the local authority?

We then go down to the school level; the school might not know about the training or recognise its value. Alternatively, the school might say, "It would be good for us to be able to access that training for that member of staff, but we are very hard-pressed and cannot release them as there will be a shortage." So then there has to be back-up cover, which does, to some extent, cost.

I say to the Minister in the most positive and constructive spirit that, in my view—I do not know whether my colleagues agree with me—this is an area of public policy in which a purely permissive regime is not adequate. It is not good enough simply to say, "This is what is available and we'll leave it to the individual area to decide whether to pick up on it," because that means that the child—it is with the child that we have to be concerned—is dependent on whether there is a far-sighted local bureaucrat, head teacher or class teacher. What I am concerned to establish is that there must be, to some degree, an element of prescription. We sometimes need to say, "This is sound public policy; this is what is required, and this is what must be delivered."

Kelvin Hopkins: The hon. Gentleman is making an excellent speech with which I strongly agree. He talked about far-sighted local officers. Some officers, indeed probably many, are prejudiced in these matters and refuse to take special educational needs seriously because they do not believe that there is really a problem. Frequently they blame poor teaching or poor parenting, when in fact there is something specific to the child, for which proper support is needed.

John Bercow: I entirely agree with the hon. Gentleman. That rather underlines the point that there have to be certain safeguards, guarantees and minimum standards.

If I may, I will move on from the subject of training to focus briefly on services. This is not the occasion for a detailed debate about the precise composition of services, but I simply make the point that it is well recognised in the field of special needs that in broad terms there can be said to be categories of provision to reflect categories of need. Some services are, and should be, universally available; others are of targeted application; and others still are specialist in character. Some people with modest difficulties or delays in particular respects can benefit, adequately and more so, from what we call low-dosage, high-volume intervention within the mainstream school and the undifferentiated mainstream class within the mainstream school. Some of those services can even be delivered—if not initially, certainly after a while, and with the benefit of the training that I described—on what we call the consultative model; that is to say that one does not necessarily have to have a specialist present delivering the service, which would be highly expensive use of resources. Some children require something rather more than low-dosage, high-volume assistance—they need targeted help, possibly on a weekly or bi-weekly basis, possibly less, possibly more,

[John Bercow]

and they may be in groups or seen individually. Then there are categories of children and young people who require a specialist service.

I say to the Government that there is a real challenge that, in the review of speech, language and communication needs, my colleagues and I are trying to address, to ensure that we can develop conceptually and then roll out practically a commissioning framework that will allow for joint commissioning between education and health services, and sometimes between education, health and social services, of the provision that is required to cater specifically and adequately to the needs of children and young people who have what we call low-incidence and high-need conditions, and quite severe needs.

We spoke earlier about categories of need. The hon. Member for South Swindon, together with other colleagues, was quick to emphasise that we are not talking about a homogenous category in relation to special educational needs, and she was right to make and underline that very valid point. Let me add to it by saying that there is not only a variation between people with mild delay or moderate difficulty and people with severe difficulty, but a distinction between people who have one problem and people who have several. Some special educational needs children have an identifiable condition that might even be severe but which is easily comprehensible and susceptible to help of a simple and identifiable character. Other children do not have one-dimensional difficulties—they have what we call severe and complex needs that are not one-dimensional but multi-faceted in nature, and they will probably be enduring needs which will require assistance over a very long period.

Over the past few months, I have come across the significance of this issue when visiting institutions around the country. I have visited schools, pre-schools, primary schools, secondary schools and post-16 provision in London, Sussex, Kent, Middlesbrough, Newcastle, Manchester, Salford, Plymouth—I am going to Essex next Monday and Norwich on Wednesday—and a host of other places. I have found that there are some admirable services—this relates to the point so powerfully made by the hon. Member for Luton, North (Kelvin Hopkins)—that cater for only a relatively small number of children or young people and which are hugely stretched financially, but the disappearance of which would be a catastrophe for the individuals concerned and for the country as a whole.

Let me give a couple of examples. The Nuffield speech and language unit in Ealing faces a threat to its survival, as does the Michael Palin centre for stammering children, which is the most outstanding centre that one could have the privilege of visiting. There are the ACE—aids to communication in education—centres, which cater to the needs of children and young people with cerebral palsy who require communication aids in order to express their concerns and offer their opinions so as to ensure that their interests are reflected. We can be sure of two things that will happen if those facilities disappear: first, once they have gone they will not come back; and secondly, if they go, we dissipate the expertise and lose the experience, and we no longer have available the teams that can provide training, offer outreach, upskill the work force and provide the specialist assessment and diagnosis that are so often required.

In that sense—this is a completely non-partisan point—I feel that we should not overdo the rhetoric about localism. Localism has its place: in the form of local differentiation because of the characteristics of the area, local discretion, or encouraging local service entrepreneurs to do more, to do it slightly differently or to innovate, it is a healthy phenomenon. However, localism must not become a religion that poisons the well of public provision or causes policy makers nationally deliberately or inadvertently to abdicate responsibility and simply say, "Oh, these are not matters with which it is proper for us to interfere—we are mere Ministers, humble specimens who do not claim expert knowledge. It is a matter purely for the local authority or the primary care trust to determine the configuration of services." That would be a great mistake. *[Interruption.]* I am not accusing the Under-Secretary. One sometimes has to say, "This is an outstanding service. It is not a business. It would not survive if it were a matter of commerce, it will probably only ever be required by a minority of children, but it is hugely valuable, it must be maintained, and it needs, if anything, to have its facilities extended—and if that means that it has to be funded centrally by Government, be it a Labour Government or a Conservative Government, so be it."

Kelvin Hopkins: Again, I agree most strongly with what the hon. Gentleman is saying. There is perhaps a compromise between localism and national provision, with consortiums of local authorities within a region ensuring that these specialist facilities can be provided on a larger scale but will not be too far distant from the children's families. If local authorities could be instructed by central Government to provide these facilities between them, we could have regional provision rather than national provision.

John Bercow: The hon. Gentleman makes a powerful point. What is needed is the opportunity for group purchasing. It may well be that it can be done on a regional or national basis, but it is probably not going to be done in the sort of cases to which I referred purely on an individual authority—still less an individual school or parent—basis. Something much more robust needs to be in place.

I emphasise that the process of helping children and young people in this field is ongoing. Most of the focus has rightly been on children and in particular, to some extent, on young children—perhaps very young children. The Government are right to make a priority of helping a great deal at the early stages, because the evidence supports that. My impression so far is that although there are still significant gaps in provision, and plenty of weaknesses to which we will, I think, be able to point to in our forthcoming reports progress is being made at the pre-school and early primary level.

By contrast, I think it is true to say—we need more information on this as a lever for parents and campaigners to get better services—that precious little is going on in the field of speech, language and communication at secondary level. Far more needs to be done on that. It is not a failure of one Government.

It is not a party political matter. It is, frankly, an historic under-recognition, under-investment and under-provision, which has taken place over decades. A great deal will have to be done if those children who have not had the early intervention are not to be isolated, failing, unhappy, stranded children in the secondary sector or beyond.

I referred in passing to the situation post-16. In the worst instances, people can end up committing offences. Somewhere between 60 and 70 per cent. of the 12,000 young people in our young offenders institutions have speech, language and communication difficulties on a scale and of an intensity that prevents them from accessing education or training courses. Yes, we should do more to help those people and not abandon them—I have thoughts on that subject—but even if the Government do not feel that they can put more money into that sector, although I hope that they will, one thing that they could say is, "Wait a minute. Some of the money we are spending on these education and training courses is probably not best spent in that way," because some of the young offenders attending those courses are attending on what I call a purely tick-box basis, as they are either obliged or encouraged to do so. I have seen them. They are sitting in on the courses, but they do not understand what is taking place. They are not benefiting from the courses, which are not causing them to realise their potential. At least some of that resource could perhaps be devoted to speech and language therapy from, which they would derive a recognisable benefit.

Mrs. Hodgson: Does the hon. Gentleman also acknowledge that as well as speech and language difficulties, some young offenders and, indeed, prisoners also have severe and sometimes complex literacy needs? They are often dyslexic but have not been diagnosed.

John Bercow: Indeed. In fact, the statistics on that front are seriously alarming. It is not just expressive speech and receptive language that are the problem; those people can also suffer a much wider set of difficulties.

Hon. Members have referred to the phenomenon of children suffering from autism. We know that children on the autistic spectrum vary greatly, but they all tend to suffer from what is commonly known in the trade as the triad of impairments—lack of social imagination, social interaction and social communication. It is important that we train staff so that we do not continue to experience the problem whereby innocently enough, but very damagingly, professionals in the education sector mistake a disabled child for a disobedient child. When we talk about people on the autistic spectrum being more likely to be excluded from school, let us be clear: that is what is taking place in so many cases. The professionals do not understand that the child is not in any sense a conventionally badly behaved child.

The understanding even of autism, which is a relatively high-profile condition, is too limited. We have to try to stimulate awareness. I was with my young son in a park in central London only a week or two ago. My son has phobias about a number of things, as children often do, and perhaps autistic children do in particular. He is anxious about hand dryers. I have always explained that they cannot do him any harm and are not dangerous, but he hates the sound that they make. When we went to take him to the loo, I said to the park-keeper, who quite properly, has to turn the key and open the loo, "Would it be okay if my son went into the disabled loo?" because I happened to know that it had no hand dryer whereas in the ordinary loo there was one. She looked completely uncomprehendingly at me and at him—I make no personal gibe at her; I am simply making a wider point—and I repeated the question. She said, "But he's not disabled." Again, I put it to colleagues that there is an issue of understanding. People often think that to be disabled, someone has to sit in a wheelchair, lack a limb or have a demonstrable and immediately apparent impairment, such as blindness, but children with problems on the autistic spectrum or with speech, language and communication impairments—there is often a close link between the two—can, in some cases, be disabled.

We need a great public debate on special educational needs as a whole. Jim Callaghan initiated such a debate on educational standards in the late 1970s, and it was of enormous benefit to the country in kick-starting issues on the consideration of provision, the adequacy of standards and the need to develop provision further. I would like to have a great public debate on special educational needs in this country, to increase awareness of the issues and to make them very much more important in decision makers' minds. The challenge is to bring the issues from the back of the minds of Ministers, commentators, policy makers and decision makers to the front of their minds.

I conclude simply by saying that over a period, special needs parents have become more demanding, more insistent and more determined to secure better provision. There will be cost implications, but it is right that we seize the challenge to improve provision in this field and ensure that the issues are regarded as part of front-line services and core provision. Special educational needs must not be relegated to a back room or a subordinate filing tray as though they were of secondary importance. I think it was Winston Churchill who said that one can often judge the quality of a civilisation by the way in which the Government of a country treat their prisoners. That view was right and far-sighted, as so often with that great man, for its time. If that is true in relation to the treatment of prisoners—and it is—it is true also of the way in which we treat, cater to and care for children with special educational needs.

Whatever else the hon. Member for Gateshead, East and Washington, West achieves in the course of her parliamentary career, which may include ministerial office of high distinction—I do not know—I wish her well on her journey. However, I do not think that she will do anything more just, more noble or potentially more appreciated than what she is doing now.

11.38 am

Lynda Waltho (Stourbridge) (Lab): I am pleased to follow the hon. Member for Buckingham (John Bercow), who made an interesting and moving speech.

[Lynda Waltho]

I congratulate my hon. Friend the Member for Gateshead, East and Washington, West (Mrs. Hodgson) on her success in getting the Bill to this stage. It is the first big hurdle. Should this and further hurdles in Committee be cleared, as we hope they will be, and the Bill become law, she will be able to reflect in the years to come that she made a great difference to the lives and aspirations of children with special needs and their families. I know that my hon. Friend and her researcher Jonathan have worked extremely hard to get to this point. Having been elected in the same cohort, and now both appointed to the Select Committee on Children, Schools and Families, I can testify that she never misses an opportunity to lobby on these issues, but that she always does so with a beaming smile and much grace, be we friend or political foe. It is only right to share with the Minister and hon. Members the fact that in her early career she was a majorette—not only does she have nifty footwork but what she cannot do with a baton is nobody's business. The Minister should be aware of that and help her to achieve her goals. I can think of no more committed Mem ber than my hon. Friend the Member for Gateshead, East and Washington, West to guide the Bill through the House, and I pay tribute to her outstanding dedication and boundless enthusiasm on this as on all other subjects.

I know that many Members wish to speak, so I will keep my contribution short and sweet, just like the Bill. Although the measure is small—it has just two clauses—its effects will be enormous. At the national level, the new information that is gathered can be used to influence policy and long term-planning, as well as to help us to monitor their effects. Last week, the Select Committee heard evidence from various statisticians and educationists, who all agreed that additional data, particularly data sets on SEN and a number of other categories, would be hugely useful, especially in assessing the progress of pupils and the relative success of different types of school systems, which is a subject of great debate at the moment.

In addition, the Bill will assist with teacher training, planning and delivery, as has been said. The Training and Development Agency for Schools—I shall call it the TDA, as we are reducing our words—has recently published its SEN training strategy, most of which is to be applauded. However, as has been said, it is lacking in the area of postgraduate teacher training. A former postgraduate teacher myself, I well remember the inadequate training I received for SEN teaching—albeit that we had a whole three Wednesday afternoons, so perhaps we were quite advanced in Birmingham at the time. But the training merely paid lip service to SEN.

My first position was in inner-city Birmingham. I taught a class of 38 nine-year-olds, so hon. Members can imagine the disparate needs and abilities in the classroom. That was perhaps my greatest challenge—surviving the first year was character-building—and on many evenings I went home completely distraught, as I felt I had not been able to do my job properly as a result of inadequate training. There was also a lack of training in the job, but that has since changed significantly. Of my cohort of postgrad teachers, we lost nearly half in the first two years, which was heartbreaking.

Although there have been improvements since then, the issue still requires lots of attention. Information that will be gleaned as a result of the Bill's introduction will help to encourage wider training in this area, or at least make it easier to make the point to the agency. The profile of children's disability is changing. Many children are born pre-term, giving rise to complex SEN problems that we have not previously encountered. The profession does not always have adequate teaching and learning strategies to hand to provide effective education for those pupils, let alone register their attainment. I am particularly concerned about pupils with foetal alcohol syndrome, which is estimated to affect between one and three of every 1,000 live births. That means that 28 babies are born each week in the UK with FAS. That is a conservative estimate, because the syndrome is not always recognised, and there is a lack of diagnostic expertise. Some 7,500 babies a year are born with FAS.

Kelvin Hopkins: I applaud my hon. Friend for raising the issue of foetal alcohol syndrome, which is something in which I have considerable interest. She mentioned the number of babies born with FAS, but there is evidence, too, of a wide spectrum of problems. The total number of children damaged by alcohol in the womb may be higher than that for all the other birth defects put together.

Lynda Waltho: My hon. Friend is absolutely right. We know about the cases that are diagnosed: children born with FAS constitute the largest group of children with non-inherited disabilities, and their number is growing in the UK. At least with the Bill in place, we will be better able to plan, train and develop, and ultimately improve the outcomes for those children.

The Bill will be useful, too, at the regional and local authority level. My local authority, Dudley council, faces a £3 million overspend on children's services. The leader of the council and the portfolio holder both attribute that to the growing number of children with special needs who require special assistance and education, often out of the borough. Many of those cases are at crisis point, which would be mostly avoidable with decent planning, based on the information that the Bill will bring to our attention. Knowledge of the numbers of children affected, as well as of the types of SEN, will assist such authorities in better planning so that there is less crisis management.

At the school level, experts across the sector agree that there is insufficient information available to determine the scale of SEN in our schools or to monitor the effectiveness of the support that SEN pupils receive. The Bill is the first step in equipping schools with the data they need to assess the progress of children with SEN and the effectiveness of individual schools' support and strategy. At national, local and school level, improved information has a part to play in improving outcomes for children with SEN. As the Royal National Institute for Deaf People states in its briefing, the Bill has the potential to improve our understanding of what works; raise expectations; provide a better base to evaluate projects and progress; provide a secure basis for sharing good practice; improve our understanding of training and development needs; and provide a more secure basis for future national policy.

Raising expectations is key for all children, but for children with SEN it is vital if we really do desire better outcomes. We can improve expectations only by improving our data and information on the children's progress. That is the cornerstone of improving the outcomes for children with SEN so I, too, commend the Bill to the House.

11.47 pm

Mr. Mark Harper (Forest of Dean) (Con): I begin by paying tribute to the hon. Member for Gateshead, East and Washington, West (Mrs. Hodgson) on introducing the Bill, and on her powerful contribution, which was informed by her personal experience, as has been the case with the speeches made by a number of hon. Members.

I speak for my party on issues relating to disabled people, but the Opposition will be ably represented today by my hon. Friend the Member for Basingstoke (Mrs. Miller), and we will hear from her later. There is general unanimity in the House in support of the Bill, which makes me wonder why the Minister did not find an opportunity to slip the proposals into one of the other Bills going through the House. I hope, however, that in his winding-up speech, he will lend the Government's support to the hon. Lady's Bill, which will see it into, and through, Committee, and back into the House.

I suspect that we all have a considerable amount of constituency experience of these issues. In the Forest of Dean, I know from my visits to primary and secondary schools that they all have a significant number of children with special educational needs, and cater for them in mainstream provision. We also have a very good special school, Heart of the Forest community special school, which deals with children with more complex needs. As my hon. Friend the Member for Buckingham (John Bercow) pointed out, some children need extra and more intensive provision, and the range of provision at that special school is very welcome.

My hon. Friend also referred to the potential clash between localism and central direction or prescription. I am in favour of plenty of local direction and local provision, but, as my hon. Friend said, many organisations in this field want a set of national minimum standards entitling everyone to a certain level of provision and the opportunity to improve what is provided locally.

Information is a powerful tool for ensuring that local decision making leads to better provision. The more parents of children with special educational needs know about what is available in other areas, the more they are able to put pressure on the democratically elected representatives in their local authorities to improve services, by asking, "If this service exists in that area, why doesn't it exist here?" That is one of the important things that the Bill will do. Information is not the outcome that we seek, but it is the route to better outcomes for children. We shall not be happy if the Bill is passed and all that results is a lot of statistics and information, while nothing happens in the classroom and there is no improvement in provision. Information is a tool to drive up provision.

The hon. Member for Mid-Dorset and North Poole (Annette Brooke) mentioned the cost implications. The Government should establish what information is and is not already collected and useful, and devise a more integrated strategy for collecting it across the country so that it is available to Ministers and local authorities, and also—just as important—to parents and members of the public.

Several Members have mentioned the importance of training, not just for teachers but for everyone involved. I will not labour the point, because I raised it in an intervention on my hon. Friend the Member for Buckingham, but continuing education is key. Talking to parents about their children's needs reveals that those needs can be incredibly diverse. Staff in a small primary school may not perceive every special educational need, because it is not possible to train people to do that at the outset. They must of course be aware of the existence of such needs, but if a child arrives at the school with a particular need, there must be enough flexibility for them to have speedy access to training so that they can support the child from day one.

Other Members have mentioned TreeHouse. A few weeks ago, I visited TreeHouse school to see some of its excellent work. I have also read TreeHouse's research on parliamentary questions about autism. As several Members have observed, the trend in the number of questions shows—in this and many other areas—that there has been increasing interest in the subject over time, but there are a good many "missing answers". I am sure that the answers that have been given are genuine, but when I read, "The data have not been collected", "No estimates have been made", "The information is not held centrally" or "The information is not available", I cannot help feeling as though I am reading volume one of "The Ministerial Guide to How Not to Answer Questions", paraphrased beautifully by TreeHouse.

As TreeHouse points out, the questions are being tabled not just to the Department of Health and the Department for Children, Schools and Families but, increasingly, to a range of Departments. It is important to ensure that understanding of special educational needs exists across government and the public services. As my hon. Friend the Member for Buckingham said, that does not apply only to education. If we do not do a good job in this area, there may be implications for the Ministry of Justice in relation to prisons and the criminal justice system.

Some of us have been lobbied about underachievement among deaf pupils, which was mentioned by the hon. Member for Worsley (Barbara Keeley). I have discussed the subject with the RNID, which is pushing for an improvement in information as a catalyst for improvement in services and educational outcomes for children with hearing impairments.

I agree with what my hon. Friend the Member for Buckingham said in his powerful speech—informed by his personal experience and that of his son Oliver—about the importance of early diagnosis and intervention. When I visited TreeHouse, I was given a report on the economic consequences of autism, funded by the Foundation for People with Learning Disabilities. I was struck by the fact that the lifetime cost of providing for someone with high-functioning autism is estimated at £2.9 million, not including the cost of informal care provided by families. For someone who also has a learning disability, the lifetime

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cost could be as high as £4.7 million. It would be interesting if the Government were to make a proper financial assessment. My hon. Friend the Member for Buckingham talked about the effectiveness of early diagnosis and early intervention. Investment up front will pay for itself financially over time but, more importantly, as he said, it will have a human impact on both the child and their family.

John Bercow: What my hon. Friend has said about the work of TreeHouse is right. I visited TreeHouse and it provides an outstanding service. In making the point that he has just made about spending to save and avoiding long-term costs, does he agree, go slightly further and acknowledge that, making a priority of special educational needs provision, is not a question of being compassionate or altruistic? It is a question of doing what is right both for the realisation of the individual potential of the child and for the maximisation of the benefit of their potential contribution to the success of our work force and our country.

Mr. Harper: Absolutely. My hon. Friend makes an excellent point. There are two ways of looking at this. There is the human side – making sure that we enable people to reach their own potential and maximise their own capability – but there is a sensible reason for society to do that. A significant number of people want to be in the work force and to contribute, but they are unable to do so because of the lack of opportunities that they had early on, and the fact that those opportunities continue not to be available. It is not just in their interests but in all our interests to ensure that we give them those opportunities. If the Bill can be a catalyst to produce the information, to drive forward the debate and thereby to improve the services available, the hon. Member for Gateshead, East and Washington, West can rest content that, as my hon. Friend said, whatever else she may achieve in her career in Parliament, this achievement at a relatively early stage will mark her out as having done something significant.

11.57 am

Dr. Roberta Blackman-Woods (City of Durham) (Lab): I am pleased to be able to support the Bill. I congratulate my hon. Friend the Member for Gateshead, East and Washington, West (Mrs. Hodgson) on introducing it and on her great wisdom in coming so far up the ballot list. I also pay tribute to her enthusiasm and ongoing commitment to improving educational outcomes for children generally and for children with special educational needs in particular.

I, too, have a personal interest in the matter, although it is not perhaps quite as direct as my hon. Friend's. My sister has been a special educational needs teacher for about 25 years and, like my hon. Friend, she never misses an opportunity to champion the needs of her pupils and to tell me what the Government must do to improve matters further.

I was a member of the Education and Skills Committee when it carried out a major review of special needs education in 2006. The first sentence of the summary of the report states:

"One of the key issues in making provision for children with special educational needs is ensuring that parents have confidence that professionals are genuinely seeking to provide appropriate support for their children".

To achieve that confidence, of course, parents need to have better information about the educational outcomes achieved by their children and how that relates specifically to the support available to them. Providing that information is exactly what my hon. Friend's Bill seeks to do. A strong theme of the report is that there is not enough information in the public domain to enable comparisons of provision and support and how they impact on SEN children to be made across local authorities and nationally.

The Committee carried out detailed visits to a number of schools throughout the country. We saw examples of best practice in a wide range of authorities as diverse as Essex and Darlington. Darlington had the only education village that we visited. A number of professionals in the field suggested to us that that was a model of best practice and that it signalled the way forward for SEN education. I agree, and I pay tribute to two people and two schools in my constituency – Joan Sjovoll of Framwellgate school and Julie Connolly of Trinity school – for putting forward a proposal for Durham city to have an education village that is not only science focused, but has a special school integrated into the plan. If Treasury Ministers are listening, I would like them to fund that proposal. Before concluding that that is the best way forward for special needs education, however, we need to know that the strategies adopted by the village are reflected in improving educational outcomes for the children involved.

Mr. Nigel Evans (Ribble Valley) (Con): I am sure that what is taking place in Durham is effective for the youngsters and parents who live there, but will the hon. Lady also say something about the needs of those in rural areas with SEN? There should be appropriate levels of assistance for the youngsters and their parents who live in rural areas, but that is sometimes forgotten.

Dr. Blackman-Woods: I agree. Part of my constituency covers a rural community, and I hope that the needs of the young people who live there will be incorporated into the education village through better transport.

John Bercow: The point made by my hon. Friend the Member for Ribble Valley (Mr. Evans) is important and we hear a lot about it from parents in rural constituencies, but may I put a slightly different point to the hon. Lady? We often talk about people going to access services, but we have to accept that some families who might be afflicted by a vast range of problems will not go to help, and therefore help must go to them. I have encountered many such families in recent months. That underlines the importance of effective outreach provision.

Dr. Blackman-Woods: I accept that point. There are examples in my constituency of children's centres reaching out through their outreach work to such people. May I also in passing pay tribute to the hon. Gentleman for his undoubted expertise in this area, which the House and the country at large benefit from?

In their detailed response to the Select Committee report, the Government acknowledged that it highlighted the need for better use of data on children's progress by schools. It was also stated that parents needed to be able to access good information, as well as good support. The Committee also suggested that it is necessary to improve accountability, so that parents can assess their children's progress and the outcomes they achieve. There was also an acknowledgement that Ofsted has urged more effective use of data in setting appropriate and suitably challenging expectations for children with SEN and in tracking their progress. I hope that the Bill will contribute to that.

Better use of data is at the heart of school improvement and should also be a key part of the evaluation of services. The Government acknowledged that in their response to the Select Committee report. They said that they needed to improve accountability regarding the outcomes that children achieve, as well as improving provision for children with behavioural, emotional and social difficulties, and with autism. Members have mentioned today the need for services to be more focused on the latter category.

The Government said that the Department for Education and Skills, as it then was, would need to take forward the inclusion development programme from 2006-07 onward, and that it would hopefully transform the understanding of SEN and disability in schools and significantly improve earlier identification and intervention. They mentioned the need to do this specifically in the areas of speech, language and communication needs; dyslexia; autistic spectrum disorders; behavioural, emotional and social difficulties; and moderate learning difficulties. However, I contend that it will not be possible to measure whether the Government have taken these steps forward unless more information is available and is put into the public domain to enable a proper assessment of the strategies.

We know that we need better use of data to track progress and to evaluate services correctly, but we must ask ourselves why we are doing this. It is not about putting information into the public domain for the sake of the information itself, but about knowing which approaches work best for specific difficulties. Parents want to have a better understanding of the needs of their children with special educational needs, what is being done to meet them and how effective those approaches are. This Bill will assist us in securing not only more help for parents and better and targeted support for young people, but, most importantly, for SEN pupils themselves.

The hon. Member for Buckingham (John Bercow) was entirely correct in saying that early intervention is the key to securing better outcomes for all children with difficulties, but particularly for those with special educational needs. When I started teaching in a university more than 20 years ago, nobody mentioned dyslexia or, indeed, any learning difficulties. There were no diagnostic tests or special measures in place to support students with reading difficulties in particular. It is a measure of how our discussion of this issue has moved forward over the years and how our services have improved that such measures are now fairly standard in universities and colleges throughout the country. However, it is a failure of our system that someone can get to university or college before having dyslexia diagnosed; it will have impacted negatively on their life chances along the way. I therefore really want to push the Government for early intervention and proper measures to show us how the life chances of children with special educational needs can be improved.

12.8 pm

Kelvin Hopkins (Luton, North) (Lab): I too congratulate my hon. Friend the Member for Gateshead, East and Washington, West (Mrs. Hodgson) on promoting this excellent Bill. I was particularly delighted when she invited me to sponsor it, which I am very pleased to have done.

Special educational needs is an issue that has always required more serious attention, but only recently have I had serious problems with my own local authority regarding such matters. My hon. Friend's Bill will make a significant advance, and I hope that the Minister will take it forward, that the Government will help it on to the statute book, and that they will move on from there and make better SEN provision for all our children.

My interest in, and concern about, SEN goes back a long way. I am certain that I went to school before anyone else in the Chamber. I started primary education in 1946. [HON. MEMBERS: "Never!"] Hon. Members flatter me, but that is the truth. I went through school not being chastised, but I remember lots of my school chums being frequently chastised in a fairly brutal way—rulers were used on the back of knuckles; that was commonplace in those days, but I am glad to say that it now illegal. Looking back, it is clear that several of my friends had special educational needs—behavioural problems, dyslexia and learning difficulties—for which they were being punished. Later in life, I read the Victorian satirical novel "Erehwon" by Samuel Butler. He portrays a world in which the fortunate are rewarded and the unfortunate are punished, and that is precisely what happened in my primary school. Some hon. Members may say that I have difficulties, but I did not have behavioural difficulties and I did quite well at school—I only started to misbehave when I came to this Chamber, as the Whips will confirm. There is no question but that what happened at my school was cruel. There was no recognition of what were obviously special educational needs.

I move on to the iniquities of the 11-plus. I was fortunate enough to pass it, but several of my friends, who were very bright, actually failed it. Later in life they did very well, and they discovered that they had failed it simply because they were dyslexic and could not spell. My closest friend is a highly intelligent man—he is a lecturer in social sciences and a fine man in every way—but he is dyslexic. Believe it or not, he used to win the English prize when he was at school, despite his dyslexia. He used to write an essay in his own dyslexic language and then spend hours going through it word by word with a dictionary to ensure that he spelt everything correctly. Sometimes he could not spell a word even then, because he could not work out what the second letter was—one needs to be able to do that when one is looking at a dictionary. He struggled but he got through.

The hon. Member for South-West Norfolk (Mr. Fraser) alluded to his own dyslexia and the fact that his sons are

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dyslexic. There used to be an assumption that we were all born with equal abilities and that what happened after that was purely environmental: if one's child could not spell it was somehow to do with parenting, teaching and so on. We now know that there are inherited characteristics in some of these matters. There is certainly strong evidence to show that a degree of inheritance is not uncommonly involved in dyslexia; as the hon. Gentleman says, his sons are dyslexic too. These factors are starting to be recognised, but there are still those in local education authorities who do not recognise that some disabilities need to be treated individually, sensitively and properly.

Even today, special educational needs are still prone to a range of presumptions and prejudices that we must set to one side. I taught A-levels in St. Albans—as one can imagine, not too many people doing A-levels there have special educational needs—but my wife was a primary school teacher in a much more deprived area. She was a special needs co-ordinator in her school before she retired. She used to identify children as having problems early on, and she would tell the local authority that certain children needed to be statemented. She was not making prejudicial decisions to exclude children—she saw that they needed support and that they needed statementing. The LEA would take months, if not years, to do the job because it meant extra cost and because some people did not really believe in special educational needs.

Let me discuss one experience that my wife had. I can speak safely about this now because it took place in her previous education authority, before it became a unitary authority—we were in Bedfordshire. The special needs adviser from the county came down one day to look at a particular child. He said to my wife, "Well, Mrs. Hopkins, it is quite simple. You have to give him one-to-one teaching." She said, "I have a class of 34 children, how can I do that? I can't do one-to-one because there is no resource." This was before the increase in classroom support.

John Bercow: Many of us believe that local authorities are in an unacceptably powerful position as the bodies that assess, decide on, pay for and—for the most part, through in-house services—provide the services that SEN children are designated to receive. Given that the Children, Schools and Families Committee—then the Education and Skills Committee—produced a compelling report in summer 2006 that, among other things, recommended a separation between the assessment of need and the funding of provision, and that we await the Government's reply to a follow-up, even more detailed report, does the hon. Gentleman agree that there is something to be said for that separation, so that the in built conflict of interest is removed?

Kelvin Hopkins: In an earlier intervention, I suggested that funding for children with serious special needs should be provided centrally, so that expense would not influence the decision of the local authority officers.

To finish my anecdote, the special needs adviser for the county visited the school to speak to my wife. My wife had said that she could not provide one-to-one teaching, much as she would love to do so, with a class full of kids, so the adviser said to her, "Oh well, Mrs. Hopkins, I'll have a word with him and try to do a bit with him myself." Half an hour later, he came back and said, "Mrs. Hopkins, I can do nothing with him." That was the special needs adviser from the county authority. My wife asked whether the child needed statementing, and a year later he was statemented and went to a special school. The resistance of the education authority on the grounds of cost, and sometimes prejudice, was clearly evident.

In my early days as a Member of Parliament, I had a tense relationship with the senior education officers in the new unitary authority. Fortunately, they have now moved on so I can speak a little more freely about them. We had a difference of view. Schools in privileged areas want to exclude all children with difficulties because they like nice, bright, university-bound children to teach, and do not want to worry about the rest. On the other hand, some people, for the best of motives, want blanket inclusion, although that may not be the right course. I had three cases in which the authority refused point blank to contemplate giving a place in a special school to children with serious behavioural problems who clearly needed that place. It took a long time, involving the media, before the authority relented. I know that some of those children are now doing very well in special school provision.

I supported the hon. Member for Mid-Bedfordshire (Mrs. Dorries), who has a strong view about the need for special school provision, and I spoke in her debate a year or so ago on the issue. We have campaigned together on it. I do not suggest that all children need to be excluded, but neither do I suggest that all children can be left in mainstream schools without proper support. Children have a range of needs, and the hon. Member for Buckingham (John Bercow) made that point very powerfully. One has to look carefully at the specific needs of every child. Some of them are simple, and some are complex, but all relate to that particular child. Provision needs to be made for those specific difficulties, sometimes through special schools.

John Bercow: The hon. Gentleman is making a characteristically powerful speech. What really worries me and, I suspect, many hon. Members is that access to what is required for a child is dependent on ability to pay. My sense is that if parents are educated, articulate, not completely broke, willing to joust with authority and capable of writing a letter, they will in the end probably get what their child needs. The people who trouble my conscience are those who are possibly afflicted by all sorts of problems, not necessarily educated, may not have the willpower, have other issues weighing them down, do not know where to go and cannot get help. They may not go to SENDIST—the special educational needs and disability tribunal—and if they do, they are up against a resourced local authority that can crush them. That is not on, is it?

Kelvin Hopkins: The hon. Gentleman makes the point powerfully. I have had precisely the experience he describes. I meet parents who are not used to dealing with the highly educated chief education officer and the clever correspondence they receive. They are not letter writers so eventually they come to see me, as their MP, and I fight their corner because MPs have the

resources and abilities to do so. Even then, however, there are difficulties because sometimes there is an almost ideological commitment to inclusion. Anybody who is against inclusion is regarded as an enemy—as I was when pursuing some cases, although I made my point and won in the end. I believe that some children need special provision that is not found in a mainstream school.

Another proposal, which has been piloted in my constituency and which I strongly support, is to set up inclusion units in schools, especially in secondary schools. When there are serious behaviour problems in the classroom youngsters can go to the inclusion unit where they are given one-to-one tuition for two or three days until they have settled down and can return to mainstream classes. The system works brilliantly, but the problem is that such units are not available in every school and some of them have time-limited funding. Accepting that such units are necessary in many of our schools would be a tremendous advantage not only to youngsters with special needs but also to the teachers and the other pupils in the class who suffer from the stress and disruption sometimes caused by children with special needs.

Mr. Harper: We need to look at inclusion not just in education but throughout the rest of the child's life. One of the things that struck me powerfully about the SEN provision at some of the special schools in my constituency was that although it may have been separate it ensured that the child was better able to be included for the rest of their life, because they had been given the skills to succeed.

Kelvin Hopkins: Indeed. I agree. In fact, there is so much agreement this morning that there is almost no need to make some points. However, I hope that I have made some points that other Members have not made and that will be useful in promoting the Bill.

We have to acknowledge the need for some special schools that are finely tuned to specific needs. We need inclusion units when children who are rightly in mainstream schools have behavioural problems and may need additional help. We also need the resources to back up that provision. I ask my hon. Friends on the Treasury Bench to support the Bill and to make sure that resources will be forthcoming so that every child, whatever their needs, is properly catered for in a civilised society.

12.22 pm

Mrs. Maria Miller (Basingstoke) (Con): I join all the other Members in the House today in congratulating the hon. Member for Gateshead, East and Washington, West (Mrs. Hodgson) on presenting her private Member's Bill. It has spurred on an incredibly constructive and useful debate, which will, I am sure, be the start of many more.

The hon. Lady spoke with passion and conviction. She painted a vivid picture of the reality of the problems faced by the parents of children with special educational needs and highlighted the importance of all those children reaching their potential. I congratulate her on her courage in bringing her personal experience into the debate. The support she has received from both sides of the House is—as she said to me in a quick note yesterday—because so many of us share similar experiences of special educational need, either through our constituency work or through our families.

In my Basingstoke constituency, I know of the incredible work of parents, support groups and teachers. They work tirelessly for the support that their children require if they have particular special educational needs. The hon. Lady made the important point that her Bill should not be an additional burden on schools; we should rationalise the data that are collected and focus on what will create a real difference in helping children with special educational needs to do better in the classroom. The hon. Member for South Swindon (Anne Snelgrove) picked up on that point when she said that we cannot continue to let children fall through the net.

A number of hon. Members spoke about the scale of the problem that we face. The hon. Member for South Swindon talked about the problem of interpreting that scale given the diversity of special educational needs and—these are my words, not hers—the unsophisticated way in which they are assessed by what she called the establishment. I take it that she meant the teaching establishment.

We know from the briefing notes that we have received that the issue is not marginal. The problem is experienced by one in five of the total school population. There are clearly concerns about under-reporting, and the Bill will help with them in some way. As the Government's SEN strategy said in 2004:

> "Every teacher should expect to teach children with SEN and we must ensure that they are equipped with the skills to do so".

Today's debate would suggest that we have a way to go. I hope that the Minister will acknowledge in his response that there is still room for improvement.

We have also heard from hon. Members about the human cost of undiagnosed or incorrectly supported special educational needs. The hon. Member for Worsley (Barbara Keeley) highlighted the significant attainment gap experienced by deaf children and how unacceptable that is given the nature of that special educational need. I was concerned to hear that the gap between deaf children and those with no special educational needs was 24 percentage points. Other hon. Members talked about the economic costs of undiagnosed special educational needs. The Minister will leave the debate with a clear message that hon. Members from across the House feel that the situation cannot persist.

The Bill is simple and straightforward. It plans to collect and publish information about outcomes for pupils with special needs and to place a spotlight on the quality and efficiency of special educational needs support that is delivered in schools and by local authorities. The type of data is key. An avalanche of data is available, but it is clearly not providing what is needed.

My hon. Friend the Member for Forest of Dean (Mr. Harper) speakes on disability for the official Opposition, and so he speaks with a great deal of knowledge. He talked about the importance of information in driving up local standards. That was a good point, which we will need to consider when we

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look at the detail of the Bill in Committee. If we are trying to assist children and get the right support in classrooms, we need to ensure that those children are correctly supported in a way that will allow parents to understand what is available in schools and how they can get the best support for their children at a local level.

The Opposition will support the Bill, because it will help parents to make better choices for their children. Importantly, it will highlight the gap between what we talk about in Parliament and local authorities and the reality of what is delivered on the ground, which we all know about as constituency MPs. We need to use the data that are collected to ensure that resources are focused where they matter—in the classroom.

Unsurprisingly, the Bill has received a high level of support from many organisations. They have praised the hon. Member for Gateshead, East and Washington, West for her campaigning work and for promoting the Bill. Dyslexia Action said:

"The Bill promises useful information that will help determine the state of affairs re SEN and give parents the clarity and evidence to help them secure support for their children"

The hon. Lady has also received support from the Joint Epilepsy Council, the RNID, the National Children's Bureau, Xtraordinary People—a group that campaigns for dyslexic children—TreeHouse and many other groups. She is to be congratulated on the tremendous work that she has put into galvanising bodies to provide that amount of support.

To focus the Minister in his response, I should like to quote from the briefing that TreeHouse sent to Members before this debate:

"It is hard to imagine how the government can have a strategic approach to autism, or other special educational needs, without holding SEN-specific statistics. TreeHouse therefore fully supports the SEN (Information) Bill and recommends that the government commits to a review of the data currently collected on SEN."

It is surprising that those basic data are not in place, particularly as the Government have made many announcements over the past decade on special educational needs. Indeed, in the past 10 years, five out of six Secretaries of State for education have made significant announcements on special educational needs.

They are fine words indeed, but Members who have taken note of those announcements might be forgiven—I hope that the Minister will forgive me—for feeling that listening to and rereading those announcements is a little like "Groundhog Day". In 1997, in the Government's Green Paper "Excellence for all children", the then Secretary of State for Education and Employment, the right hon. Member for Sheffield, Brightside (Mr. Blunkett), pointed out the importance of early identification and said that by 2002 there would be a clear structure for teachers' professional development in special educational needs.

The Labour party's 2001 manifesto also mentioned, quite rightly, the importance of identifying children's special educational needs earlier. In November 2001, the special educational needs code of practice was presented by the then right hon. Member for Birmingham, Yardley, now Baroness Morris of Yardley. The code of practice again pointed out the importance of teacher training to meet SEN children's specific learning needs.

By February 2004, in "Removing Barriers to Achievement", the right hon. Member for Norwich, South (Mr. Clarke) again said that all teachers needed to have skills, confidence and access to specialist advice where necessary in order to help children with special educational needs reach their potential, and that data and training needed to be improved.

In October 2006, the national programme for professional development under the right hon. Member for Kingston upon Hull, West and Hessle (Alan Johnson) reiterated the need for continuing professional development and mandatory training for special educational needs co-ordinators. Last but by no means least, in December last year the present Secretary of State for Children, Schools and Families reiterated in "The Children's Plan" the importance of specialist training, better data and, this time, consultation on regulations regarding the training of SENCOs.

John Bercow: My hon. Friend offers a formidable list of public commitments not yet fully honoured. I put it to her that the forces of inertia are always powerful. To translate aspiration into reality, constant and remorseless upward pressure is needed; perhaps we are starting to get some. Does she accept that one other problem of the system is simply that not enough is known about the outcomes that will flow from particular policies? There is too much preoccupation with making a commitment and putting in the funding, and not enough consideration of what realisable difference has been made.

Mrs. Miller: I thank my hon. Friend for that intervention. He has made my next point for me. The Minister will take my comments in the constructive spirit in which they are meant, but it is not a question of making pronouncements on the issue; it is about putting the procedures and processes in place to ensure that those important ideals are carried through into the classroom, and to secure the outcomes that the hon. Member for Gateshead, East and Washington, West seeks—data and positive reassurances that the policies are a success on the ground.

The Bill is a clear and straightforward document. It states that it wishes to secure

"in particular, the provision of special needs information which would, in the opinion of the Secretary of State, be likely to assist the Secretary of State or other persons in improving the well-being of children in England with special educational needs."

However, the type of data is key. An avalanche of data has already been collected but, as has been said, it does not help or inform us as much as we need. Several critical pieces of information that directly affect outcomes for pupils with special needs, could be collected and published, and would place a spotlight on exactly what the hon. Member for Gateshead, East and Washington, West wants: better delivery for children in the classroom. I hope that the Under-Secretary will comment on that in his response.

I want to consider three matters, which I hope we can consider in Committee. The first was mentioned by

my hon. Friend the Member for South-West Norfolk (Mr. Fraser), who gave me a note to say that he has unfortunately had to leave the debate early because of a pressing constituency engagement to visit two schools, which have recently been awarded specialist school status. He sends his apologies for not being here. However, he mentioned the importance of giving teachers the skills to support children with special educational needs and of taking into account children's very different learning needs. I therefore suggest to the hon. Member for Gateshead, East and Washington, West that we should ascertain whether there are ways of including in the Bill a provision for detailing the availability by school of data on teachers, classroom assistants or SENCOs who are trained to identify special educational needs early or, indeed, to teach children with special educational needs.

In 1997, the Green Paper "Excellence for all children" clearly stated that there should be a structure for teachers' professional development in SEN. In 2004, the Government stated:

"Every teacher should expect to teach children with SEN and we must ensure that they are equipped with the skills to do that effectively"

little wonder, given that one in five children have special educational needs. Yet when, in my research for the debate, I approached the Library, which is an oracle for information that the Government have made available, it could not find any official statistics on the number of trainee or qualified teachers who had received SEN training at any point in their career. However, there is a huge paper trail of teachers' feelings about being ill equipped to meet the wide range of special educational needs that they face in the classroom.

The hon. Member for Huddersfield (Mr. Sheerman) does excellent work in the Select Committee that he chairs. The then Select Committee on Education and Skills considered training in July 2006. Its report stated:

"Based on evidence that demonstrates the level of need and demand from the teachers for training on SEN, SEN training should become a core, compulsory part of initial teacher training for all teachers. The Government should restart negotiations with TDA on these grounds and...SEN training"

should be

"part of initial teacher training, induction and continual professional development."

The report continued:

"We recommend that the Government fully implements its own strategic approach to training outlined in the SEN strategy putting into practice the 'triangle of needs' in order to achieve the proposed three tiers of specialism".

It also stated that little progress had been made since 2004. Ofsted reiterated that point in July 2006. It commented on the importance of providing extra resources, emphasising that those resources need to be specialist teachers.

The hon. Member for Stourbridge (Lynda Waltho) spoke with personal experience of the problems faced by teachers as a result of inadequate training and of the problems in getting SEN training as part of continuous professional development. She mentioned the resulting attrition rate among her teacher colleagues; a significant proportion of the people with whom she trained were lost. She said that the situation may have changed in respect of training and continuous professional development. However, although the Government have made very little assessment of that, just over a year ago the NUT undertook a comprehensive piece of research that suggests that what the hon. Lady hopes for is not going on in the classroom.

The report dealt with teachers from a range of schools throughout the country, the vast majority of whom—86 per cent.—had not undertaken specific professional development on severe learning difficulties. More than two thirds of teachers identified a lack of professional development as the greatest barrier to dealing with that group. Some 76 per cent. of the teachers had not undertaken specific professional development on even moderate learning difficulties in the previous 12 months, and about 70 per cent. identified that as a significant problem. Only a quarter of the teachers in the report had undertaken specific professional development on behavioural, emotional and social difficulties in the previous 12 months.

The situation is perhaps what hon. Members fear in some of the more specific areas: only a third of the teachers felt confident about teaching children with dyslexia and only 28 per cent. felt so about teaching children with visual impairment. My hon. Friend the Member for Buckingham (John Bercow) will be concerned to hear that only 6 per cent. of teachers said that they had undertaken specific professional development on teaching children with sensory impairment. The list goes on. As the report is not currently available on the NUT website—for technical reasons, I believe—I will make copies of it available to hon. Members if they want them.

John Bercow: My hon. Friend has once again offered a powerful illustration of some of the endemic difficulties from which we suffer. The YouGov survey for the Communication Trust showed that 73 per cent. of teachers did not feel that they had received anything like adequate help for catering for children with speech, language and communication needs, and the NUT survey showed that only a third of respondents felt able to cater for the needs of such children. They are both revealing.

In the circumstances, it is not surprising that in its recent report, Ofsted said that communication standards were lower than expected. In addition to more training, perhaps we should grant Ofsted an ongoing role of assessment, as that might act as a discipline to lever up standards.

Mrs. Miller: I understand my hon. Friend's point, which could apply whether Ofsted or another organisation was involved. The situation certainly needs to be closely monitored. Although at the moment the Government have good intentions on these issues, when it comes to the practical realities in the classrooms of our constituents' children, those intentions are not being carried through. That causes enormous concern for all involved.

I reiterate my earlier point about the work done by Xtraordinary People, which campaigns tirelessly on behalf of dyslexic children. In the absence of further Government statistics, it did its own research in November 2007 among 1,000 parents. Three quarters of them said that their children were receiving support from people who were not trained in dealing with dyslexia or specific learning difficulties. Kate Griggs,

[Mrs. Maria Miller]

the founder of the organisation, sums up the situation that many of my constituents, and perhaps those of other hon. Members, feel they face. She says:

"I can't understand why the teaching methods that have been used to support dyslexics for decades are still not a compulsory part of our teachers' training".

In the current requirements, there is no compulsory requirement for SEN training that I can find articulated in any of the documentation for trainees or for qualified teachers; there is only a need to demonstrate an ability to make effective personalised learning provision for those with special educational needs. Does the Minister feel that that does as much as possible to ensure that this group of children are really and truly reaching their potential, because many feel that they may not be? The Training and Development Agency for Schools has developed two new modules with the Institute of Education at the University of London, but for initial teacher training only, despite the fact that the bulk—about 80 per cent.—of new teachers now come through the postgraduate certificate of education route, and it is not even compulsory. Little wonder that the problems of early identification and effective teaching in schools are at the level that they are today.

I pay immense tribute to my hon. Friend the Member for Buckingham for the work that he does for the House and for communities throughout the country in the field of special educational needs. In his characteristic style and with his characteristic eloquence, he made many points, but I particularly want to pick up on the importance of early identification and of identifying special needs before the age of five. The hon. Member for Mid-Dorset and North Poole (Annette Brooke) also picked up on the importance of training for people who work in the early education sector. The Minister needs to give us some thoughts on how the Government are progressing on that issue, given the consequences of failure to achieve early identification, which were graphically pointed out by my hon. Friend the Member for Buckingham. As the hon. Member for Gateshead, East and Washington, West said, perhaps consideration could be given to the inclusion of new work force census data in a format that parents can understand.

My hon. Friend the Member for Buckingham also talked about the importance of far-sighted local authorities. Some local authorities have a well-developed training programme for teachers to fill the gap that may exist in teacher training. Continuous professional development is a vital element of any professional training programme, but it can do little to help newly qualified teachers and those who are still on their training placements, to return to the experience of the hon. Member for Stourbridge. I applaud the excellent work done by the children's services department at Hampshire county council, which is my own local authority. It has a comprehensive set of continuous professional development courses available to teachers in the Hampshire area, including a learning support assistant course that is accredited by the British Dyslexia Association, with 30 hours taught and school-based assignments. There is also a Hampshire certificate in dyslexia for teachers and special educational needs co-ordinators, with 27 hours taught and school-based assignments. I am sure that many other local authorities have similar supportive schemes for their staff, but there are no data on how many take that approach. Perhaps the Bill could help to establish how widespread this sort of good practice is and, indeed, how to spread it, or help to identify where the postcode lottery exists.

There are another couple of vital pieces of information that we may want to consider in Committee, such as information for parents to assess whether the delivery of SEN in their school or local authority ensures that children are making the progress that they should. That was brought up by Ofsted in its report of July 2006. We have discussed a wide variety of special educational needs. It is understandably difficult always to set objectives for children that will ensure that they achieve their true potential, but perhaps the Minister could say something about how things are faring with RAISE—reporting and analysis for improvement through school self-evaluation—online. In the Government's response to the Ofsted report, they said that RAISE online could give schools the opportunity to monitor better the progress made by students with special educational needs. Perhaps the Minister will say how widespread the use of that system is and whether it is delivering the monitoring and evaluation of pupil progress that was suggested.

I raise the third candidate for data collection on behalf of my hon. Friend the Member for Bognor Regis and Littlehampton (Mr. Gibb), who is an assiduous champion of the importance of synthetic phonics for all children. My three children learned to read with the help of synthetic phonics and I know how crucial the system is. Importantly, the March 2005 report by the Select Committee on Education and Skills concluded that the use of synthetic phonics could have a significant impact on improving the ability of children who are at risk of reading difficulties to make good progress.

John Bercow: My hon. Friend is making a fantastic speech. I know that she will not be disappointed to hear that in the Education and Skills Public Bill Committee yesterday morning, which I had the privilege of chairing, my hon. Friend the Member for Bognor Regis and Littlehampton did indeed dilate for an appreciable period on the subject of synthetic phonics under amendment No. 1 to clause 1, because I allowed him what I thought was an appropriate latitude.

Mrs. Miller: I thank my hon. Friend for that comment. I, too, have been privy to some of the sermons by my hon. Friend the Member for Bognor Regis and Littlehampton on the subject. I remain a great supporter of synthetic phonics as a tried and tested methodology for teaching all children to read, although it has a particular application for children with special educational needs. Again, despite the clear findings in the Select Committee report, no data are available on how many teachers can teach using synthetics.

Kelvin Hopkins: Does the hon. Lady agree that in addition to the problem of teachers not being trained to teach synthetic phonics, there is a problem of prejudice in the education establishment, which has existed for a long time? Just as there are those who have a problem with blanket inclusion, there are those who

do not accept the need for synthetic phonics and other more formalised methods of teaching.

Mrs. Miller: The hon. Gentleman makes an excellent point. I know that he speaks with a great deal of experience o these matters. I certainly get the impression that synthetic phonics is not always given the support that the firm research results suggest that it should have.

Lynda Waltho: Let me reassure hon. Members. There is not necessarily a prejudice against synthetic phonics. Those of us who have worked with children of all abilities know that we cannot rely on just one system. Synthetic phonics should be a tool in the toolbox. Going for just one system could be as damaging as sticking to another tried and tested route. It is about having a varied toolbox.

Mrs. Miller: I understand the hon. Lady's point, and I have heard that argument made in particular by people with a teaching background. I accept that that may be the case, but the available data overwhelmingly suggest that a great many children of them,—the Select Committee report suggests the vast majority—including those with particular needs would benefit from having synthetic phonics as a basis on which to learn how to read. I appreciate that she has far more practical experience than I do in this subject, and she makes a good point that no one methodology can be the only solution. We always need to have a number of ways of dealing with any problem.

No debate on SEN would be complete without reference to the role of statementing. The hon. Member for Gateshead, East and Washington, West spoke movingly about the impact of delayed statementing, and the hon. Member for Mid-Dorset and North Poole talked about parents' worries about the independence of assessments of their children's special educational needs. She spoke about local authorities' role as a poacher turned gamekeeper in this complex area. Perhaps the Bill should monitor the time taken to put a statement in place, as that would put a little more pressure on reform of this important area. The biggest catalyst for change in SEN would be a complete reform of the statementing system—a point made by the Education and Skills Committee in July 2006. The hon. Member for Huddersfield, the Chairman of that Committee, is not in the Chamber, but I hope that he does not mind my recalling some of the comments that he made at the time. The Committee called for a "completely fresh" approach to SEN, and the Chairman felt strongly that

"the Government's failure to even consider changing the current statementing process is a real missed opportunity",

despite the fact that there was

"clear evidence that the process is not working".

The Government argued that there was no better alternative, but the Opposition do not believe that that is the case. In July 2005, my right hon. Friend the Member for Witney (Mr. Camerón) established the commission on special educational needs under the chairmanship of Sir Robert Balchin. Its findings were announced in November 2005, and highlighted serious concerns about the processes and consequences of statementing, which were echoed by the Select Committee. The report recommended that statements be replaced by a special needs profile, which should be drawn up by an independent, accredited profile assessor. It said that funding should come from a national funding agency, removing the unnecessarily adversarial appeals system and the apparent conflict of interest for local authorities, which are required to act as both assessors and budget providers. Perhaps the Minister would comment in his response on what consideration has been given to the work of that important commission and the reform of statementing, which is vital to achieve the aim of his hon. Friend the Member for Gateshead, East and Washington, West of delivering genuine improvement, especially as that approach has received support from his hon. Friends including, tangentially, the hon. Member for Luton, North (Kelvin Hopkins) and the hon. Member for Huddersfield, who raised the matter in his Select Committee.

In conclusion, may I reiterate my congratulations to the hon. Member for Gateshead, East and Washington, West? She said that she wanted the Bill to push things forward for children with special educational needs. We share that aim, and look forward to working with her in Committee to make sure that this is the Bill that she believes it should be.

12.57 pm

The Parliamentary Under-Secretary of State for Children, Schools and Families (Kevin Brennan): The hon. Member for Basingstoke (Mrs. Miller) asked me on several occasions to respond to the debate, but it would a gross impertinence for a Government spokesperson to respond to a debate on a private Member's Bill. That honour lies with my hon. Friend the Member for Gateshead, East and Washington, West (Mrs. Hodgson), who introduced the Bill, but I will do my best to cover many of the points made in the debate. No doubt, there will be an opportunity in Committee for the detail of those matters to be discussed further.

May I add my congratulations to those offered by everyone who has spoken—and possibly Members who have not spoken—to my hon. Friend the Member for Gateshead, East and Washington, West on introducing the Bill? She has done a huge amount to champion the cause of children with special educational needs, and my Department supports the sentiments that she expressed when introducing the Bill. She gave a moving and personal account of her interest in, and commitment to, the subject, and spoke about the story of her son Joseph and the way in which that has informed her approach. The warmth and passion that she brings to the subject is no doubt responsible for the unanimous response to her Bill across the House.

We have had a wide-ranging and interesting debate. It is not my job to respond to it, but it is my job to set out the Government's position, and I will attempt to refer to the contributions from hon. Members.

Hon. Members brought a huge amount of expertise to the debate. Several of them suggested that this was the House at its best, although ironically at its least observed by the fourth estate—but that is something over which we have little or no control.

The hon. Member for Mid-Dorset and North Poole (Annette Brooke), like others, was unhappy with the quality of some parliamentary answers. That is not a new problem. As the hon. Lady will know, a former leader of her party, or a previous incarnation of it,

[Kevin Brennan]

David Lloyd George, is said to have got lost in north Wales and stopped to ask a local farmer for directions. When he asked, "Where am I?" he was told, "You're in your car." Lloyd George described that as an example of the civil servant's dream answer to a parliamentary question: it was short, it was accurate, and it told him absolutely nothing that he did not already know.

I give the hon. Lady an undertaking to look carefully at any parliamentary questions tabled on these subjects, and to make every effort to establish whether information is actually unavailable because of disproportionate cost or because it is not collected centrally. I hope that the Bill will make answers of that kind rarer in future through its commitment to the collection of better data which would be available centrally and, perhaps, not at disproportionate cost.

We have considered the Education and Skills Committee's 2007 report; the Committee's Chairman, my hon. Friend the Member for Huddersfield (Mr. Sheerman), was present earlier. The Government's response will be published on Monday. It would be wrong for me to pre-empt that, but we share the concern expressed by a number of Members about parental confidence in SEN provision, and our response will address some of the points that they raised.

My hon. Friend the Member for Worsley (Barbara Keeley) spoke passionately as always, in this instance about deaf children. She mentioned the wonderful work done by her constituent Eileen Hosie, who teaches deaf pupils. We share the concern expressed by the RNID and the NDCS about the attainment of deaf children, and the Department is working closely with those organisations to try to understand the issues and establish how data can be used to focus on improving provision.

The hon. Member for South-West Norfolk (Mr. Fraser) —who wrote me a note explaining that he had to leave early because of a constituency engagement—spoke of his personal experience, and of the need for relevant data and teacher training. I shall say more about that later.

My hon. Friend the Member for South Swindon (Anne Snelgrove) rightly drew attention to the lack of a media presence in the Chamber. She also made a plea for her own Bill to be taken up by a Minister. I can only say that I am sure her plea has been heard, although may I add—through you, Mr. Deputy Speaker—"Not me, guv"?

My hon. Friend mentioned the importance of teaching assistants. The Training and Development Agency for Schools has been piloting specialist initial teacher training modules on SEN which we want to extend to all graduate teacher training courses. We have asked the agency to look into how we can apply it to the one-year PGCE course that my hon. Friend mentioned. She also raised the question of identifying children with disabilities. The Department has commissioned research on how schools can do that, and we shall probably be able to publish it in the next few months.

I think of the hon. Member for Buckingham (John Bercow) as my honourable friend, because we go back a few years in this place and have had various jousts, as he always puts it. We also worked together on issues that feature in the Bill when we were both on the Back Benches. May I say, as a humble specimen, as he referred to me in his speech, that he spoke with his customary fluency on an issue about which he has a great deal of knowledge? On this occasion, he also included powerful, personal experience in his remarks. I thank him for the work that he is doing in his review, not just on behalf of the Government and the House but on behalf of the country. Clearly, he raised many detailed and important points, which I am sure we will explore much further as the Bill progresses, and when his interim review is published in March and his full review later in the summer. He called for a greater public debate on the subject, echoing the call by Jim Callaghan in the 1970s. That was a significant and important remark. He described one approach as a "low-dosage, high-volume intervention". That probably categorises his contributions in the House—they are often low dosage but always high volume, and always effective, I should add.

We recognise the challenge of implementing the inclusion development programme at a local level in authorities and schools. That is why we are making that a priority for the national strategy's new regional hubs of good practice. Those will bring together all authorities in a region to share practice on how best to increase the uptake of the training.

My hon. Friend the Member for Stourbridge (Lynda Waltho) reminded us of the old days, teaching 38 children in a primary school class. It was a timely reminder that perhaps things have improved to some degree in teaching. Those were the days when there were no teaching assistants in the classroom. It was important to remind us that that was one of the reasons why so many of her colleagues perhaps burned out at an early stage of their teaching careers, back in those bad old days.

The hon. Member for Forest of Dean (Mr. Harper) spoke, importantly, about the need for cross-government working. That is something that our new Department is keen to develop and is developing with the Ministry of Justice and other Departments, including the Department of Health, which is important in respect of the subject that we are discussing today.

My hon. Friend the Member for City of Durham (Dr. Blackman-Woods) talked about the education village in her constituency and about the importance of good data and early intervention. That is why we are going to have children's centres for every community by 2010, and why we are promoting the roll-out of the excellent early support programme in all local authorities.

My hon. Friend the Member for Luton, North (Kelvin Hopkins) spoke about his educational experiences in school and the rap of the ruler on the knuckles. That was how I was taught to remember poetry when I was in primary school. I can still recite some at will. I will not bore the House with it now—on another occasion perhaps. I think that I developed my lifelong love of poetry from being rapped over the knuckles, but I do not recommend it as an approach these days. He is right to point out how attitudes have changed over the years. The fact that we have cross-party consensus here today about the importance

of the Bill is testament to the way in which attitudes have changed from those bad old days, when my hon. Friend and his friends were in school experiencing that kind of treatment.

The hon. Member for Basingstoke spoke of the tremendous commitment of Secretaries of State to this subject. She went on to make many suggestions, which are matters best picked up in Committee.

I should now turn to the Bill and to the comments of my hon. Friend the Member for Gateshead, East and Washington, West in the time that we have available. The proposal that children with special educational needs should be specifically taken into account as the Secretary of State exercises his powers in relation to gathering data is sensible. It is our Department's highest priority that all barriers to education should be removed for all children, whether those barriers arise from physical, financial or family circumstances. It is even more imperative for those who are already at a disadvantage against their peers: the 570,000 children living with a disability, the 2.8 million children living in poverty, and the 1.6 million children with special educational needs.

We have come a long way—hon. Members acknowledged this—from the days of crumbling buildings and failing schools that we inherited 10 years ago. In 1997, it was not only school buildings that were dilapidated; so, too, was the infrastructure of children's services as a whole. The Every Child Matters agenda has led to a transformation in how professionals work together to meet children's individual needs better. Information has been at the heart of that process, which is why the Bill is so timely and welcome.

The children's plan, which we published last month, will build on those foundations to help us to achieve our ambition to make this country the best place in the world for children to grow up. Any effective organisation must evaluate its performance just to remain effective, let alone to improve. Every child has unique talents and strengths—and weaknesses—and some need more support than others. What works for one child might not be appropriate for another. The variety and complexity of special needs has been pointed out in this debate—for example, by the hon. Member for Buckingham—and children often do not present with one simple, solvable problem.

Professionals need good quality information so they can share what works, put right what does not work and ensure that each child receives the right type of support. As my hon. Friend the Member for Gateshead, East and Washington, West will know, my Department already gathers data on children with SEN from a number of sources, including the school census and the SEN2 survey. Those data are published annually and provide useful information from individual pupil to local authority level. I am committed to looking at anything that will help children further—over and above what we are already doing—and formalising the Secretary of State's consideration of children with SEN when gathering data is a sensible suggestion. For that reason, I am happy to tell the House that the Government will support the Bill.

The Government have already taken steps to improve the quality and use of data we collect on children with SEN. We have incorporated new indicators into the national indicator set for local government to measure the gap between children with SEN and their peers. We have incorporated into the national curriculum attainment scales for children with SEN who are falling below national curriculum level 1, and from summer 2008 schools will be required to provide information, at the end of each key stage, on teacher assessments for those pupils still falling below level 1. We have also committed to research how parents of children with SEN feel about the way their school and local authority assesses and provides for their child's needs, to see what further improvements we can make to the system. Those commitments are already in place.

John Bercow: As children and young people can often encounter traffic jams, as it were, and lethargy as they go from one institution to another in the course of their education, does the Minister agree that one useful focus for the Bill as it passes into Committee would be to consider the question of information at the transition points in a child's career—transition from pre-school to primary, from primary to secondary and from secondary to post-16?

Kevin Brennan: I agree with the hon. Gentleman. Those transition points are key to the development of children, and that is often where things can go wrong. That would be a useful area to explore further in Committee.

We have already put significant investment into personalised learning, and given schools more capacity to try out new teaching strategies and to offer more small group and one-to-one help where appropriate. We are backing that with further investment, which was announced in the children's plan: £1.2 billion over the next three years to support personalisation, including support for children with SEN; and an additional £18 million over the next three years to be targeted at children with SEN, some of which will be spent on better data to measure their progress.

That investment will support a pilot scheme to provide children with dyslexia with reading recovery support or one-to-one tuition with a specialist dyslexia teacher. It will also support better teacher training—that has been mentioned a great deal in the debate—both when teachers join the profession and in their continuing development. Helping teachers to identify children with SEN and then give them the additional support they need is essential if we are to raise outcomes for these children.

Annette Brooke: I recall that the Dyslexia Association has a kitemark that schools and local authorities can aspire to. Are the Government looking at a form of kitemarking to spread good practice between local authorities and schools, perhaps across the whole range of special educational needs?

Kevin Brennan: The hon. Lady makes a very valuable suggestion; I shall certainly look at it after today's debate.

Last October, we launched the inclusion development programme, which will offer professional development in key areas of SEN such as communication difficulties

[Kevin Brennan]

and dyslexia. We are also working with a number of partner organisations, including the British Dyslexia Association, on "No to Failure"—a pilot project for schools in three local authorities that will help to identify pupils with dyslexia and provide individual specialist tuition. The project is also evaluating the impact of providing specialist dyslexia training for teachers, looking at what could work nationally, and raising awareness of dyslexia as a learning difficulty. We are providing up to £900,000 in funding over three years to support that project.

In addition, as I said earlier, my right hon. Friends the Prime Minister and the Secretary of State for Children, Schools and Families have asked the hon. Member for Buckingham to review provision for pupils with speech, language and communication needs. As the hon. Gentleman told us, he will be publishing his interim report shortly, and a final report in the summer.

Although there will be much further debate in Committee, I want to close by responding directly on a few of the issues raised by my hon. Friend the Member for Gateshead, East and Washington, West in her opening speech. On extending data collection to school action level, currently there is no external moderation of information at this level because external bodies become involved only at school action-plus level and above. For that reason, we are concerned that the data may not be of the highest quality, but I noted the point that my hon. Friend made and I will consider with colleagues whether such information would be useful to us. I hope she will take that undertaking in the spirit in which it is intended.

My hon. Friend also raised the issue of collecting data on the qualifications of special educational needs co-ordinators. At the request of my Department, the Training and Development Agency for Schools is looking into the development of nationally accredited training arrangements for new appointees to the SENCO role. That work entails extensive consultation and is at a very early stage, but I will keep her updated on it.

My hon. Friend also asked why medical problems are not identified as a special educational need. Medical problems such as asthma obviously do not necessarily entail a special educational need under the definition of the 1996 Act. However, where a medical problem does cause a special educational need, it may be categorised as another difficulty or disability. We are looking separately at how we can collect information on the number of children with a disability, as distinct from a special educational need, and that can include a limiting long-term illness. We have commissioned research on the identification of pupils with disabilities, and is due a report soon.

My hon. Friend asked why dyslexia is not listed as a category in the SEN framework. As she knows, my Department has asked Ofsted to review progress on the Government's 10-year strategy for SEN "Removing Barriers to Achievement" by 2009-10, which is its mid-point. The Government will consider in the light of that review whether changes need to be made to the present framework. We would not want to pre-empt the outcome of that review.

The Government are absolutely committed to raising the chances of success for children with special educational needs, and to removing the barriers that are halting their progress. It is our duty to go that extra mile for those who, for whatever reason, start out further behind on the road to attainment and success. We will positively support anything to achieve that, which is why I wish my hon. Friend every success with her Bill.

1.18 pm

Mrs. Hodgson: With permission, Mr. Deputy Speaker, I simply want to thank everybody for coming along today. It has been a really good, good-natured debate with some fantastic, very informative contributions. I am sure that the House has moved forward the whole debate. I thank everybody for their support, and I look forward to continuing our discussion in Committee.

Question put and agreed to.

Bill accordingly read a Second time, and committed to a Public Bill Committee, pursuant to Standing Order No. 63 (Committal of (bills not subject to a programme order).

Health And Safety (Offences) Bill

Order for Second Reading read.

1.19 pm

Keith Hill (Streatham) (Lab): I beg to move, That the Bill be now read a Second time.

Before I describe the contents of this short Bill, I wish to thank various individuals and organisations who have helped me in reaching this point of its Second Reading. Above all, I must thank my hon. Friend the Member for Selby (Mr. Grogan), who kindly agreed to introduce the Bill on 5 December on my behalf as I was abroad. He, together with my researcher, Joe Moll, whom I also thank for his hard work, deftly chose today's slot for the Bill's Second Reading. I thank the Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Stirling (Mrs. McGuire), for her support and her officials at the Department for their help in the preparation of the Bill and the explanatory notes. In particular, I thank Phil White, himself a former health and safety inspector.

I am grateful for the help and advice that I have received from Giles Denham and his colleagues at the Health and Safety Executive. I am also grateful to Jim Kennedy of the Union of Construction, Allied Trades and Technicians, whose headquarters is in the Clapham part of my constituency, and to Richard Woodward of the Association of Personal Injury Lawyers. Both those organisations are supporting the Bill.

I should also like to pay tribute to my several precursors with this Bill, the most recent of whom is my hon. Friend the Member for Caerphilly (Mr. David). I tread in their footsteps. Let us hope that this time there is a better result. Finally, in that precise connection, I should like to thank the Opposition's Work and Pensions Front-Bench team for its sympathetic response to the Bill so far. I trust that I am not tempting fate excessively in making that observation—I detect the hon. Member for South-West Bedfordshire (Andrew Selous) in his place, so we shall know very shortly.

The Bill's purpose is set out in its long title:

"To revise the mode of trial and maximum penalties applicable to certain offences relating to health and safety."

The Bill is in three clauses and three schedules, the most important of which is schedule 1, which will become new schedule 3A to the Health and Safety at Work, etc. Act 1974. I shall describe the contents of the schedule in greater detail shortly. Clause 1 brings in schedule 1, which replaces the penalty provisions of subsections (1A) to (4) of section 33 of the 1974 Act. It also sets out the mode of trial and maximum penalties for the health and safety offences listed in subsection (1)(a) to (o) of section 33 of the 1974 Act and for offences under the existing statutory provisions where no other penalty is specified.

Clause 2 brings in schedules 2 and 3, which deal with "Consequential amendments" and "Repeals" respectively. Clause 2(2) confers power on the Secretary of State to make amendments to existing regulations as a consequence of the changes introduced by the Bill. It will enable the Secretary of State to introduce the necessary changes to regulations. Those will be made by statutory instrument subject to the negative resolution procedure.

Clause 3 sets out the short title, commencement and extent of the Bill. The commencement date will be three months after Royal Assent. As health and safety legislation is a reserved matter, the Bill will apply to Scotland as well as to England and Wales. As the explanatory and other notes indicate, the Bill has no significant implications for public expenditure or public sector manpower, it creates no new regulatory requirements, and no new compliance costs arise for those obeying the law. However, the Bill does engage with the European convention on human rights, and I shall say as brief a word as possible about that in due course.

As I promised, I shall now describe the changes set out in schedule 1, which deals with the mode of trial and maximum penalties under the 1974 Act. The schedule is in tabular form and lists the new proposed penalties at each level of court hearing: the proposed penalties on summary conviction, that is to say after a hearing in the magistrates court; and the proposed penalties on indictment, that is to say after a conviction in the Crown court. Schedule 1 sets out three changes to the present arrangements. First, it raises the maximum fine that may be imposed in the lower courts to £20,000 for most health and safety offences. The higher court fine remains unlimited.

At present, following the Offshore Safety Act 1992, the lower courts are able to fine up to a maximum of £20,000 for breaches of general duties to safeguard people's health and safety under sections 2 to 6 of the Act. However, the current maximum penalty for specific breaches of health and safety regulations is a £5,000 fine, but such breaches may be just as serious as breaches of general duties. Specific breaches include, for example, breaches of fundamental requirements to do a risk assessment; the breach of asbestos regulations; and the breach of industry-specific requirements, such as construction, design and management regulations. It is for that reason that the Bill would extend the £20,000 lower court maximum to offences that, typically, have created risk directly or indirectly, or actual injury, damage to health or death. It is also why the £20,000 maximum is extended to offences that undermine the ability of enforcers to regulate health and safety, to prevent harm or to investigate what may be serious health and safety offences.

Let me emphasise that there is a proportionality in the approach to new penalties set out here, in that the £20,000 maximum is not sought for all offences. Specifically, it is not sought for offences by individuals where the maximum of level 5 on the standard scale would usually be quite enough for lower court cases.

The second change to present arrangements set out in schedule 1 would be to make imprisonment an option for most health and safety offences in both the lower and the higher courts. At present, imprisonment is an option only in certain cases. In the lower courts, it is an option only for failure to comply with an improvement or prohibition notice, or with a court remedy order, and for offshore offences. In the higher courts, it is an option only for failure to comply with licensing requirements or explosives provisions, or disclosures in breach of the Act. Those are all serious offences. However, the Bill will extend the option of a custodial sentence to a greater range of offences, and

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that responds in part to the fact that judges have remarked in several cases over the years on the lack of imprisonment as an option, and said that they would have jailed the offender had they been able to do so. It is my expectation that imprisonment will continue to occur only in the most serious of cases and that there will be only a minimal increase in the number of offenders going to prison under this new legislation.

The third change to present arrangements that would be introduced by schedule 1 would make two offences triable only in the lower courts either-way offences, like most health and safety offences, so that they would be triable in either the lower or the higher courts. Those offences are, first, under section 20 of the Act, contravening any requirement imposed by an inspector—for example, to give information for an investigation or to leave premises undisturbed after an incident—and secondly, preventing another person from appearing before an inspector or from answering his or her questions. Under the Bill, those offences could in future attract the tougher penalties available in the higher courts.

It is evident that the Bill deals only with the issues of the penalties for health and safety offences and where they may be tried, but it is important to recognise that the courts and their sanctions constitute only one small part of the full spectrum of health and safety activity in this country. That we need health and safety legislation in place is beyond question. Last year, employees in Britain suffered nearly 250 work-related deaths, nearly 30,000 major injuries and well over 100,000 lesser injuries that kept them off work. Of course, it is not only employees whom the legislation seeks to protect, but members of the public who suffer death or injury at workplaces. In 2006-07, more than 120 members of the general public were killed and nearly 17,500 reported injuries in workplaces.

Most health and safety activity, however—like the law itself—is preventive in nature. Most health and safety provision is carried out by businesses in compliance with the law because they believe it is the right thing to do. By far the greater part of the work of health and safety agencies, the HSE itself and local environmental health officers is preventive in nature. The point is illustrated by Professor Macrory in his report "Regulatory Justice" when he gives the HSE statistics for 2004-05: 59,865 inspections carried out, 8,445 statutory notices issued but only 712 prosecutions initiated. Those figures are par for the course, although the figure for prosecutions in that example may have been somewhat lower than the annual average. In other words, prosecution—the subject of the Bill—is reserved for only the most serious offences, where criminal proceedings are most clearly in the public interest.

Why do we need the increased penalties set out in the Bill? There are three main reasons: tougher, more commensurate punishment, more effective deterrence, and greater efficiency in the dispensation of justice. On tougher punishment, there is a well-established view that the fines under health and safety legislation are too low. That is certainly the view of the HSE and the Government. As long ago as 1998, the Court of Appeal judged that the health and safety fines being imposed were too low. In the consultation leading up to the Government's publication of the strategy statement "Revitalising health and safety" in June 2005, the overwhelming view of consultees was that the general level of penalties imposed by the courts was inadequate; only 7 per cent. considered that the then, and still existing, framework for penalties was satisfactory.

In 2005, Philip Hampton, in his report on regulation and enforcement for the Treasury, noted that the existing maximum fine of £5,000 was "an insignificant sum" for most businesses. The point was reiterated in 2006 by Professor Macrory in his report, "Regulatory Justice" subtitled "Making Sanctions Effective".

On the option of imprisonment, there is a history going back to the mid-1990s of judges expressing discontent at being unable to impose jail sentences for health and safety offences. Indeed, on 8 January my hon. Friend the Member for High Peak (Tom Levitt) cited just such a case in his Adjournment debate on carbon monoxide detectors. He noted that in 2006 a judge in the Nottingham Crown court complained of being able only to fine a man whose negligent work on a gas boiler had led to two deaths from carbon monoxide poisoning.

In practice, of course, because health and safety failures typically result from a chain of decisions rather than from one person's action, it is likely to remain the case that the prosecution of individuals for health and safety offences will be infrequent. Nevertheless, I believe the courts are right to call for the availability of the penalty of imprisonment for the worst offences. In passing, I point out to my hon. Friend the Minister that it is not my intention that the new powers of imprisonment—if we obtain them—should become grounds for resisting the case for mandatory safety duties on directors. That case, which as my hon. Friend knows is promoted by UCATT, is an entirely separate argument.

The second reason for higher penalties is more effective deterrence: but to deter irresponsible behaviour and encourage compliance with the law, penalties need to be high enough to eliminate the gain from breaking the law. In his report, Philip Hampton puts the general principle:

> "Illegal operators have incentives to undercut honest businesses, partly because penalties are low absolutely, but more worryingly because penalties imposed often do not reflect the commercial advantage a business has gained from non-compliance."

Hampton had no doubt about the inadequacy of the penalties under the 1974 Act:

> "In 2003-04, the Health and Safety Executive prosecuted 1,756 cases, with an average fine on conviction of £4,036 in magistrates' courts, and £33,036 in Crown Courts. The deterrent effect of such fines is likely to be low. For any company other than the smallest, a £5,000 fine is likely to be an insignificant sum."

That is why recommendation 6 of the Hampton review was that maximum fines in the magistrates courts should be increased and recommendation 7 was that fine levels should take account of the economic benefit gained. The Bill will implement those recommendations.

The third reason for the higher penalties in the Bill is the need for greater efficiency in the court system. There seems to be no doubt that at present the lower

courts will often refer more serious cases, which they are otherwise quite competent to hear and judge, to the higher courts because they feel that they do not have adequate sentencing powers. Consequently, cases are delayed, court time is wasted and the more valuable time of the higher courts is used up unnecessarily. By extending the £20,000 maximum fine to the lower courts and making imprisonment an option, the effect of the Bill will be that more cases will be resolved in the lower courts. Justice will be faster, less costly and more efficient.

I now turn—somewhat reluctantly, as a non-lawyer—to the Bill's engagement with the European convention on human rights. The convention point at issue is article 6, paragraph 2, which concerns the right to a fair trial and the presumption of innocence, and its relationship with section 40 of the 1974 Act, which has the effect of reversing the burden of proof on to the defendant when the offence is subject to the statutory qualification "so far as is reasonably practicable".

The question is whether the Bill increases the likelihood of a successful ECHR challenge by introducing the option of imprisonment for an offence to which the reverse burden of proof applies. The answer is twofold. First, it appears that such a provision can be compatible with article 6, paragraph 2 if it is justified on the basis that it is reasonable and proportionate and does no more than is absolutely necessary to accomplish the aims of the statute. Secondly, it appears that the Court of Appeal has recently concluded, on the basis of several compelling factors, that so far as "reasonable practicability" offences are concerned, section 40 of the 1974 Act represents a fair balance between the rights of the individual to a fair trial and the protection of life and limb from dangerous work practices. For those reasons, I am assured that the Bill's provisions are not incompatible with the convention. The argument is set out at greater length in the explanatory notes, and I hope that this explanation will be to the satisfaction of the House.

Let me draw my speech to a close. The 1974 Act is a remarkably durable and successful piece of legislation. In its 33 years, it has experienced minor amendment from time to time—this Bill is one such amendment. The Act has been added to by hundreds of regulations, but its substance—the structures, duties and offences and the approach to safety in the workplace that it established—has remained intact and has stood the test of time. The standards of culture that it enshrines have been sustained by the Health and Safety Commission and the Health and Safety Executive, two bodies of high national and international repute, and by the highly respected role played by environmental health officers at a local level.

The 1974 Act's record speaks for itself. Between 1974 and 2007, the number of fatal injuries to employees fell by 73 per cent. The number of reported non-fatal injuries fell by 70 per cent. If we look behind changing employment patterns during that period, we see the same picture. Between 1974 and 2007, the rate of fatal injuries per 100,000 employees fell by a huge 76 per cent. Britain had the lowest rate of fatal injuries in the European Union in 2003, the most recent year for which figures are available. The EU average was 2.5 fatalities per 100,000 workers; the figure in the UK was 1.1.

However, that still equates to about 250 workplace deaths a year and many more injuries. There can be no complacency; hence the need for the Bill. It will allow us to punish the criminally negligent who put life and limb in danger, deter those who attempt to cut costs by breaking health and safety law, and render justice faster and more efficient—and it will do so without introducing any new regulatory requirements or new compliance costs in any sector. I commend the Bill to the House.

1.40 pm

Annette Brooke (Mid-Dorset and North Poole) (LD): I congratulate the right hon. Member for Streatham (Keith Hill), particularly on the clarity of his explanation. He may have appreciated the fact that I was listening attentively, as I am not exactly an expert in the field; I was here for the previous debate.

The right hon. Gentleman made two important points. First, we are often concerned about over-regulation, but when we look at what can happen in the workplace when insufficient attention is given to safety, we realise how important it is to employers, employees and their families. The impact of a big incident can spread throughout a community.

Secondly, on deterrence, I am not sure whether the right hon. Gentleman's Bill covers the issue that I am about to raise, but I shall do so briefly, as he might be able to consider it. I have been asking questions recently about how many incidents have taken place involving children under 16. The number has doubled over the past few years. One could say that it is not a large number, but the fact that children are involved gives it some significance. In one well-documented accident, a young man lost his hand in a mincing machine in a butcher's shop. I have met him, and I must say that Sam has made a remarkable recovery from that terrible occurrence.

We are not debating child employment legislation today, but an awareness of child employment legislation—for example, the fact that work permits are needed—should be brought to light. We know that children are working without work permits or risk assessments because of out-of-date regulations. From the survey work that I have done with several local authorities, I have found that some issue very few work permits. I am deeply concerned that there is a lack of awareness about children in employment. I feel that proportionate measures, fines and publicity where appropriate would raise awareness of the issue generally as well as in relation to children, and of the need to understand what the law is.

1.43 pm

Andrew Selous (South-West Bedfordshire) (Con): I, too, congratulate the right hon. Member for Streatham (Keith Hill) on his clear and logical introduction of the Bill. He set out the reasons why he thinks it necessary; I agree with them, and I have a couple of other reasons why I think that it is appropriate and should be put on the statute book. I am grateful to the hon. Member for Mid-Dorset and North Poole (Annette Brooke) for her comments. She mentioned in particular the issue of

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child injuries at work. I agree that we need to consider it carefully, and I shall make a few comments on it in the course of my remarks.

As we are holding a Second Reading debate on a health and safety matter, I will, with your indulgence, Mr. Deputy Speaker, go a little wider than the Bill, because we do not often have opportunities to debate health and safety in the House. That is a pity because they are extremely important.

The health and safety profession currently has a severe problem. Doubtless many people who are watching the debate are concerned that we are looking to put a Bill on the statute book that would increase health and safety offences, because health and safety has had a bad press in recent years. Let me read two letters to a national newspaper in October last year. The first states:

"Sir—If we are to believe the Health and Safety Executive, we live in the most dangerous environment in the world. Hanging flower baskets are a danger, Santa Claus in his sleigh collecting money for charity is another risky venture to be avoided, and a children's swing that has given more than 100 years of pleasure with not one child injured must be removed.

Whether we like it or not, living does involve existing with a certain amount of danger. To try to create an environment where there is no risk of an accident is virtually impossible.

If the Health and Safety Executive continues on its present path, what sort of a society will be around in 50 years' time?"

Another letter from the same day states:

"I sympathise with"

the lady

"whose local jumble sale has been discontinued for health and safety reasons.

This year, the annual panto by an amateur dramatic society at a church hall in Welling, Kent, marking the beginning of Christmas for many, has been cancelled because of health and safety issues. The cost of meeting the health and safety requirements far exceeded the expected income and so the panto, already in rehearsal, has been cancelled.

There will be no contribution to church funds and the future of an excellent amateur society is, after more than 30 years, in doubt.

This is only the latest in a long and tragic list of interferences to all our lives by the insidious evil that cloaks itself in 'health and safety'. I have begun to understand how it must have felt to live in a communist state."

Even Tom Mullarkey, the chief executive of the Royal Society for the Prevention of Accidents, said on 12 November:

"We do not believe in extremist health and safety ideas which would keep children wrapped in cotton wool.

Our argument is that a skinned knee or a twisted ankle in a challenging and exciting play environment is not just acceptable, it is a positive necessity."

The Institution for Occupational Safety and Health, an excellent organisation and the professional standards body for health and safety professionals in public and private practice, spoke of its concern for the public

"whose understanding of the real importance of health and safety is constantly tainted by negative media stories about crazy decisions made in the name of health and safety."

I mention those concerns because, as the right hon. Member for Streatham said, the reality of serious injuries and death in the workplace is very different. In 2006-07, the provisional figure that I had was 241 staff killed in work-related accidents. The right hon. Gentleman cited 250, so perhaps it has increased. That is an 11 per cent. increase on the previous year. The figure that especially shocked me from our debate in Westminster Hall on the construction industry was that in the six years to 31 March 2004 there were 504 deaths from construction accidents—only 18 fewer than the number of regular service personnel killed through accidental or violent causes. Who would have thought that being a builder was nearly as dangerous as being a soldier?

In 2006-07, there were 28,267 work-related major injuries. Those figures are unacceptably high and some individual incidents are frankly scandalous. Seventeen-year-old Daniel Dennis was killed by falling through a skylight. He had been given no training, he had no harness and the skylight around which he was working was not even fenced off. It is really important that the Health and Safety Executive should counter the many false allegations laid at the door of health and safety; it does not always do so. In a national newspaper last year, an ex-service parade at Droitwich was reported to have been cancelled for health and safety reasons. I rang the Health and Safety Executive to find out whether that was the case. It was not, but I did not see any media rebuttal. Tom Mullarkey said that he came across—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I am sorry to interrupt the hon. Gentleman. I have allowed him a little latitude, but I sense that he is bursting the bounds of the long title of the Bill. As he knows, the Bill is about the mode of trial and maximum penalties applicable to certain offences. He can argue about what should be in the Bill and how it might be extended, but we cannot have a too general debate about health and safety.

Andrew Selous: I accept your guidance absolutely, Mr. Deputy Speaker. I was coming to the end of that section of my speech; I assure you that the rest of my remarks will relate directly to the Bill. However, it is important to set the context within which we are having this debate; the matters that I have mentioned touch on the substance of the Bill as well.

The Health and Safety at Work, etc. Act 1974, which the Bill would amend, was brought in by the Conservative party. The fines that the Bill would amend were set in 1991 and 1992, so on grounds of inflation alone there would be a good case for amending them. As the right hon. Member for Streatham said, the Bill would also allow imprisonment in certain cases—that, of course, would give a permissive, not a prescriptive, power—and allow cases to be heard in the lower or higher courts in certain circumstances.

Everything in the Bill was first called for in 1999. Why has such a Bill not been introduced in Government time since then? I am aware that much important legislation has got on to the statute book through the private Member's Bill route, but given the importance of the matters that we are debating, I would be interested to know the Minister's answer to my question. There are concerns about front-line

construction inspectors in particular. In a letter that the Minister wrote to me after the Westminster Hall debate last year, she pointed out that there had been a decline in full-time-equivalent construction inspectors from 133 to 125 since the previous year.

As the right hon. Gentleman said, judges are calling for tougher penalties. Paul Regan, a cowboy gas fitter, put customers at risk from deadly carbon monoxide fumes. The judge said:

"The family were put at risk of death by poisoning or explosion",

and declared that he would not allow the man within 150 miles of his own house. He also said that the man

"should go to prison for 18 months".

Another case involved two students who were killed by carbon monoxide poisoning. When the landlord was sentenced, the judge said:

"These offences do not carry imprisonment. If they did I wouldn't want you, nor the public, to be under any delusions that I would sentence you to prison and I would send you to prison for a substantial period of time."

In another case, two workmen were badly burned by an underground methane gas explosion; the judge said that given how serious the matter was, he was surprised that fines were the only penalty available to him. In yet another case, the directors of a firm were convicted of seven charges of illegal child employment, and the judge said:

"These matters are so serious that I should consider imprisonment. But Parliament has given no such power to the courts to pass such a sentence."

Frankly, I do not think that our constituents would want us to deny powers that judges are calling for in our courts, on this or any other matter.

As the right hon. Member for Streatham said, the Bill would place no additional requirements on employers or businesses, but should have a strong deterrent effect. He is right to say that there is a moral obligation on all of us to take all reasonable steps to ensure that workplace accidents and fatalities are reduced to as few as possible. I would also argue, however, that the Bill would go some way towards reducing some of the burdensome enforcement policy that employers sometimes complain about.

The right hon. Gentleman quoted from the Macrory report. Its full title is "Regulatory Justice: Making Sanctions Effective", and it was published in November 2006. In it, Professor Macrory said:

"Without credible and meaningful sanctions, regulators are forced to pursue a more burdensome and bureaucratic enforcement policy."

He went on to state:

"Effective sanctioning is an important signal in achieving deterrence. If criminal prosecutions sent out a strong signal of deterrence, then regulators would be able to impose less onerous burdens on legitimate business by conducting fewer inspections."

So there is even an argument that the Bill is pro-business efficiency.

Another argument, which I do not remember the right hon. Gentleman using, is that there should be a level playing field for all business. The Macrory report says that

"currently legitimate businesses see their unscrupulous competitors cut corners, and gain competitive advantage, without facing serious financial or other consequences."

Sadly, a small minority of rogue employers are coming to the conclusion that it is cheaper to pay the fines than to keep their staff safe, as the vast majority of businesses do. Could the Minister clarify what provision there will be for the regular uprating of the fines that would be adjusted by the right hon. Gentleman's Bill? That is a reasonable question, given that those figures have not been changed since 1991 and 1992. The Bill does not make it clear whether it would be by annual regulation-making power or any other means.

The official Opposition support the Bill, which is a necessary and important measure in ensuring that all our fellow citizens have the best possible chance of getting up in the morning, going to work and coming back without in any way being injured or even, God forbid, suffering a fatality.

1.58 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Mrs. Anne McGuire): I congratulate my right hon. Friend the Member for Streatham (Keith Hill). I am pleased that he has decided to introduce and take forward the measures in this Bill. I am delighted that he recognised the efforts of some of his predecessors, particularly my hon. Friend the Member for Caerphilly (Mr. David), who was the most recent Member to try to deal with these issues. I also thank my right hon. Friend for his comments about the support that he has received from the Department for Work and Pensions and health and safety officials. I congratulate him on his comprehensive and detailed exposition of the terms and implications of his Bill, which was exemplary—although I would not have expected anything less from him. I am glad that his talents and skills, which were well recognised in his previous role, have now been exposed to us all in his new, or resumed, role as a Back Bencher.

I welcome the support of the hon. Member for South-West Bedfordshire (Andrew Selous) for the Bill. Most of what he said was valuable. However, it was a pity that he tried to drag across the old myth about health and safety, sometimes expressed in the newspapers, that things are always the fault of the Health and Safety Executive. He almost perpetuated some of the myths that he identified in the letters to which he referred. I want to make it clear that the HSE is not against children getting skint knees—that might be a Scottish expression, Mr. Deputy Speaker; it means grazed. We are not against poppies having pins in them either. Last October and November, it was suggested that one of the big charities had changed the style of its poppies because health and safety people said that it could not put pins in the back of them. That was palpably untrue. The charity did not identify that problem and the HSE knew nothing about the story.

The hon. Gentleman mentioned Remembrance day parades. The chairman of the Health and Safety Commission wrote to all chief executives of local authorities about the need for a sensible approach to health and safety. He was not imposing new burdens or saying that the authorities had to do things a certain way. For many years, the HSC and HSE have said that there needs to be a sensible and measured approach to health and safety. They know full well that we cannot

[Mrs. Anne McGuire]

remove every risk from everyday life. We can, however, be sensitive to the fact that by taking some action, we can reduce the risks to the general public.

The hon. Gentleman asked why the HSE was not more robust in dealing with media stories. I am sure he knows, as a politician of some skill, that it is not always possible to get the rebuttal in because it spoils the story.

Andrew Selous: Of course I accept what the Minister says about rebuttals not always being printed. However, the HSE has an important role in countering false allegations and misplaced stories in the media. Whether we like it or not, such stories are printed in newspapers and our constituents pick them up and read them. The rebuttal role is important. I urge her to ensure that the HSE takes that role seriously.

Mrs. McGuire: I assure the House and the hon. Gentleman that the HSE takes that role seriously, but unfortunately it has no control over what is printed in the media, what editorial judgment is exercised by those who print the stories in deciding what is a good story and whether a rebuttal from the HSE would undermine the "fun" of criticising it. In some respects, it has become a bit of a national pastime to ridicule the HSE, but as my right hon. Friend the Member for Streatham identified, the work done over many years has made Britain's industrial and general activities safer than they are in many other countries. However, I appreciate that I may be tempting fate a little, Mr. Deputy Speaker, by going on too long about that aspect of the debate.

The Bill's proposals are consistent with the Government's health and safety strategy and the wider considerations of regulatory sanctions in the Hampton and Macrory reports. We are satisfied that the HSE and local authorities are doing all that they can to bring successful health and safety prosecutions. Indeed, in 2006-07, the success rate for prosecutions was 74.3 per cent., reflecting the effectiveness of the HSE's investigation and decision-making process.

I welcome the contribution of the hon. Member for Mid-Dorset and North Poole (Annette Brooke) to the debate, but it is not for me to comment on the issues that she raised. However, I will ensure that they are drawn to the attention of those who can respond on the problem of children working in dangerous conditions—a matter that is covered by the HSE—without suitable permits.

The HSE prosecutes when it is proportionate to do so, when failures to comply with the law are serious and when serious risks are not prevented. That is in line with Health and Safety Commission policy and the enforcement principle supported by the Government. The proportionate approach is evident in the fact that all HSE activities, including inspection and investigation, in 2006-07 resulted in the executive issuing 8,071 enforcement notices and prosecuting 1,141 offences. The response to most breaches is advice and information, given in the spirit of working with companies, individuals and organisations.

Cases that are brought to court represent the most serious breaches of health and safety legislation, in which people are unacceptably exposed to the risk of serious harm. Although the prosecution success rates are high, the lower courts, as my right hon. Friend the Member for Streatham highlighted, are prevented in serious health and safety cases from imposing adequate, realistic penalties. Consequently, as he said, cases are delayed and court time is wasted, as the lower courts refer to the higher courts cases that they are otherwise competent to hear but for which they believe they lack adequate sentencing powers. That is the crux of the problem tackled by the Bill.

In addition, there are serious breaches for which it is not possible to impose a custodial sentence, even in the higher courts, except in limited circumstances. My right hon. Friend generously raised the work of our hon. Friend the Member for High Peak (Tom Levitt) on the issue of carbon monoxide poisoning, and mentioned his Adjournment debate. I was privileged to reply to that debate and, both as a constituency MP and on a personal level, I have experience of the dangers of carbon monoxide poisoning and the work of unregistered gas installers, which can eventually lead to illness or death. The hon. Member for South-West Bedfordshire also raised the matter. He mentioned the Paul Regan case, which encapsulates the need for my right hon. Friend's important Bill. The judge in that case said that he would not allow Mr. Regan within 150 miles of his house and that although he should go to prison, the rogue gas fitter could be fined.

The Bill will make imprisonment an option for the judiciary and the courts for a wider range of serious breaches of health and safety legislation. It will also help to address the mounting concern at the anti-deterrent effect of what many people regard as derisory penalties handed down by the courts—another point made both by my right hon. Friend the Member for Streatham and by the hon. Member for South-West Bedfordshire. As long ago as 1998, the Court of Appeal found that the general level of fines in health and safety cases was too low, and gave examples of aggravating and mitigating factors that might be relevant when a court decided on a sentence.

Let me explain why the Bill has been introduced on five occasions—on one occasion in a slightly different form—and why the Government did not appear to find time for it. As I hope Members recognise, there are different ways in which legislation can be processed. I do not think we should underestimate the importance of the private Member's opportunity. I can tell the hon. Member for South-West Bedfordshire that we have been trying to get the Bill through the House on Fridays since 2000. I am surprised that Back Benchers with experience of some of these matters should complain that we have not attempted to give the Bill priority when we have tried to get it through on five occasions during five parliamentary Sessions. I welcome the hon. Gentleman's conversion to the Bill, but I do not think the complaint about the Government stands up to scrutiny. We have supported my right hon. Friend and those who have presented the Bill previously, and have said in the House more than once that we want to get it on to the statute book. For a number of reasons, some of which are a mystery to me, that has not happened so far. I hope the hon. Gentleman will accept that today is the day on which we are all on the road to Damascus, and I congratulate

him on allowing that to happen. I venture to suggest that when we debated the subject in Westminster Hall he was somewhat embarrassed about the fact that the Bill had not been passed for various reasons, although not through any fault of Her Majesty's Government, or, indeed, the Back Benchers who had promoted it.

The Health and Safety Executive has always been clear about the need to improve the levels of fines. There is a disparity between fines imposed for other regulatory breaches and those imposed for health and safety offences. In 2007, British Airways was fined £121.5 million for illegally fixing fuel charges on passengers. The postal regulator fined Royal Mail nearly £12 million for service standard failures, and in 2005 the Financial Services Authority fined Shell £17 million for serious misconduct amounting to market abuse. The biggest ever United Kingdom fine for a health and safety offence was the £15 million that Transco was fined following the Larkhall explosion which killed a family of four in 1999.

I agree with my right hon. Friend and others that for social and economic reasons it is important for breaches of financial and competition regulations to be punished heavily, but it is also right for corporate health and safety crimes to attract more serious sanctions such as increased fines and, in the most serious cases, imprisonment. It is vital for the House to send a message to those who seek to flout the health and safety regulations and put at risk the safety of employees and other individuals through either their desire for profit or their incompetence.

Andrew Selous: I asked the Minister a question that I do not think she has answered yet. How are we to amend the fines? Must we wait nine years for another private Member's Bill, can we do it annually or will it be done by regulation?

Mrs. McGuire: Obviously this is a matter for primary legislation, but future increases will be considered in the context of general issues relating to fines for criminal offences. As far as I am aware, there is an ongoing review of those issues.

I again thank my right hon. Friend. I hope and suspect that the Bill on this occasion is going to get the fair wind that it deserved in 2000, and 2001 and on all the other dates. I welcome the Bill and commend it to the House.

2.14 pm

Keith Hill: With the leave of the House, I am extremely grateful to my hon. Friend the Minister for her generous remarks and support. I am grateful, too, to the hon. Member for Mid-Dorset and North Poole (Annette Brooke) for her support. She raised a specific question about the relationship between child employment and the risk of injury. The provisions of the Bill bear on that. Indeed in one well-known judgment the judge complained about the lack of imprisonment as an option in a dreadful case involving the employment of children found to be exposed to asbestos.

I am particularly grateful to the hon. Member for South-West Bedfordshire (Andrew Selous), especially in the light of the history rehearsed by my hon. Friend the Minister. He spoke powerfully and graphically about the continuing high level of death and injury in the workplace, and of the continuing need for health and safety legislation. It was not a point that I dwelt on, but the hon. Gentleman was right to link deterrence and regulation. The Hampton thesis is that effective deterrence makes for lighter inspection and enforcement. Indeed, his report is entitled "Reducing administrative burdens."

Without further ado, I look forward to further exchanges in Committee.

Question put and agreed to.

Bill accordingly read a Second time, and committed to a Public Bill Committee, pursuant to Standing Order No. 63 (Committal of bills not subject to a programme order).

Forces Widows' Pensions (Equality of Treatment) Bill

Order for Second Reading read.

2.16 pm

Patrick Mercer (Newark) (Con): I beg to move, That the Bill be now read a Second time.

I am grateful for the opportunity to bring the Bill to the Floor of the House. I am representing my right hon. Friend the Member for East Hampshire (Mr. Mates). I am grateful to the Minister for his time, and I know that I can always expect a fair hearing from him.

I will give a bit of background first, but I will be extremely brief. Improvements to the armed forces pension scheme in 1973 led to an increase in the provision for service widows. As with all improvements to public sector pension schemes, the change was not retrospective. In this case, that meant that an anomaly was created whereby widows whose husbands served before 31 March 1973 receive only one third of their late husband's pension, whereas the widows of servicemen who served on or after 31 March 1973 receive one half of their husband's pension.

Those who served in the forces on or after 31 March 1973 contributed to the higher rate of widows' pensions through the deductions from their salaries. Although those who were serving at the time could "buy in" their pre-1973 service, so as to ensure that their wife was eligible for a half-rate pension on their death, those who retired before the change could not do so.

In 2002, the European Court of Human Rights ruled out various challenges to the armed forces pension scheme in respect of widows. It rejected the argument that the changes in 1973 had treated service personnel unfairly. Therefore, my right hon. Friend the Member for East Hampshire wishes to introduce the following provisions.

The Bill does not provide an increase from one third to one half of the relevant forces widows' pensions, because to do so would breach the ban on private Members' Bills spending public money. Instead, the Bill provides for the Government, through regulation within 12 months of the Bill becoming law, to provide pensions to the spouses or civil partners of servicemen or servicewomen who retired before 31 March 1973 and between 31 March 1973 and 6 April 2005 on an equal basis. That means that the Government can either increase the pensions of those currently receiving a one-third pension, or reduce the pensions of those receiving one half. Clearly, the latter is a non-starter.

It is difficult to be exact about the cost of that. The cost of raising pensions to one half does not seem to be available from the Ministry of Defence. It has said that it does not know how many widows are in this position. In evidence to the Select Committee on Defence in 2002, the MOD estimated the cost of making the 1973 change retrospective at between £25 million and £30 million a year. The cost of course is falling all the time as, sadly, widows die. The Ministry of Defence figure is a gross cost; part of the expense would presumably be recouped through higher tax receipts.

I fully understand the arguments against my right hon. Friend's Bill, but every Member represents widows who are caught in this anomalous position; we have all had mail, pressure or surgery cases involving such widows. I personally know many widows—not so much from my generation, but certainly from my father's generation—who are now in this pensions trap.

This is a right and sensible alteration to make, and the Government would be wise to listen to my right hon. Friend's proposal. I hope that they will see reason, and I look forward to hearing the Minister's arguments.

2.20 pm

Annette Brooke (Mid-Dorset and North Poole) (LD): I just wish to place on the record the Liberal Democrats' support for the Bill, and to note that three of my party colleagues are among its sponsors.

2.21 pm

Andrew Selous (South-West Bedfordshire) (Con): I congratulate my hon. Friend the Member for Newark (Patrick Mercer) on his clear and lucid account of the Bill's provisions. We understand what it seeks to achieve. Equality of treatment is a matter of fairness, which we support. He mentioned cost and said that it was not an option to reduce pensions currently in payment, and I think we would all accept that we must not do that.

The key question for the Government is how much this measure would cost. On 6 November last year, my hon. Friend the Member for Forest of Dean (Mr. Harper) tabled a written parliamentary question. In the reply, it was stated that the Government Actuary had confirmed £50 million as the cost of the measure, and it was also stated that if the measure were applied across all public sector pension schemes the total cost could be between £300 million and £500 million. Will the Minister respond specifically on that point, so we know exactly how much it might be?

Will the Minister also say something about the war widow's special allowance? I have tried to find out about that, although not with any great success. Does the special allowance increase the value of the pensions of the widows who receive it to the half-pension level that pre-1973 retirees would have enjoyed? I would also like to know how many widows whose servicemen husbands retired before 31 March 1973 are not receiving that allowance. Those are all facts that we need to know in order to be able to take the Bill forward.

The official Opposition are sympathetic to the sentiments behind the Bill, as expressed by my hon. Friend the Member for Newark. We back the policy of equal treatment or fairness; that should run through everything we do in this House. However, there are significant questions that we need the Minister to answer before we can proceed.

2.24 pm

The Parliamentary Under-Secretary of State for Defence (Derek Twigg): I congratulate the right hon. Member for East Hampshire (Mr. Mates) on obtaining the time for this debate, and the hon. Member for

Newark (Patrick Mercer) on coming to the Chamber to speak in support of the Bill. I also pay tribute to his distinguished service in the armed forces. I know that he takes a great deal of interest in the welfare not only of the armed forces but of their families and, sadly, widows as well—of which, of course, we have had a number in recent years, in addition to those from earlier conflicts.

I pay tribute to Mrs. Jenny Green of the War Widows Association, who will be known to many Members of this House. She has done sterling work on behalf of war widows, and will be stepping down some time this year. She has taken a great interest in war widows' issues and has been a forceful character in pursuing them.

Let me first give a general picture, so that a number of points are on the record. I hope that the House will bear with me. The Government of course value greatly the work and commitment of the individuals who have served in our armed forces over the years; in that regard, we need only look at the outstanding and courageous work that our people are doing in Iraq today. Of course, these individuals have received all the benefits that were considered appropriate at the time, and that were part of their terms and conditions of service when they served. It is a long-standing principle that, where changes are made to the benefits of public service pension schemes, they are implemented from a current date for future service only and are not made retrospective.

There are of course a number of legacy issues, including those relating to widows' and widowers' benefits, that have arisen as a result of Government economic policies and improvements that were made in the past—mostly in the late 1970s—to the armed forces pension scheme 75, known as AFPS 75, that did not cover those who served before the changes were made. It is in this context that I want to address the three key legacy issues relating to the Bill.

On pensions for life, following a change of policy in 2000, widows and widowers whose spouses died for reasons associated with service life have been able to retain their pensions on remarriage or cohabitation. However, the change was extended only to those individuals who had not already remarried or cohabited; it was not made retrospective. The change made in 2000 was exceptional and for a very special group of war widows; it was not extended to widows or widowers whose spouses had died for reasons unrelated to service. The one-off cost of buying back the liability to restore the attributable pensions of those who remarried before the change would be about £40 million. The future cost of providing pensions for life for non-attributable widows and widowers would be £14 million a year, with retrospective costs of £460 million for the armed forces scheme, and of some £3 billion if applied to the rest of the public sector.

On post-retirement marriages, the Social Security Act 1975 required occupational pension schemes to introduce pensions for widows who married their husbands after they had retired from the service. Provision was made in AFPS 75 to comply with the Act, but only widows whose husbands gave service after April 1978 benefited, and only service after that date was used when calculating the level of pension. For widowers, the change was not introduced until April 1989, and then only for service from that date. The one-off cost of extending the entitlement to all current and deferred AFPS pensioners is estimated at £50 million; the cost across all public service schemes would of course be much greater.

On the one-third rate and half-rate changes, until 1973 the widow of a retired serviceman was entitled to a pension equal to one third of that of her late husband. As a result of the Social Security Act 1973, this was increased to one half from April 1973, but only for service from that date. An opportunity was given to serving personnel to make direct contributions in order to buy in former service at the half rate. It would cost up to £30 million a year to change all pre-1973 armed forces widows' pensions to half rate, and the cost across all public service schemes would of course be much greater. I should add that, having given the option for members of the armed forces serving on or after 31 March 1973 to buy in their previous service if they wished, it would be unfair to extend the half-rate pension to widows whose husbands had not contributed financially towards the improvement.

Naturally, many issues associated with widows' pensions and forces pensions in general revolve around the retrospection policy that Governments have continuously stuck to over the years. The Government are of course very aware of the strength of the feeling among ex-service personnel and dependants who have not benefited from improvements to pension provision. However, legal principles dictate that members' entitlements are generally calculated according to pension rules in force at the date of their retirement. It is a policy principle of public service pensions, upheld by successive Governments, that improvements to pension schemes are not made retrospective.

I ask the hon. Member for Newark to take into account the fact that the AFPS 75 legacy issues do not affect only the armed forces, but are common to all public service schemes. Where legacy issues are common across public sector schemes, a retrospective change implemented for the armed forces would certainly result in pressure from others for similar treatment. To concede retrospection to one group would place great pressure on other public sector—

It being half-past Two o'clock, the debate stood adjourned.

Debate to be resumed on Friday 22 February.

Housing (South Derbyshire)

Motion made, and Question proposed, That this House do now adjourn.—*[Siobhain McDonagh.]*

2.30 pm

Mr. Mark Todd (South Derbyshire) (Lab): May I first set out some historical background to this subject? House building in South Derbyshire between 1991 and 2007 averaged 590 units a year. Over the shorter period of the 10 years since 1997, the average has been 665 units a year, which represents a significant acceleration. According to the Office for National Statistics, South Derbyshire was the joint fourth fastest growing district in England between 2001 and 2006.

Between 1991 and 2007, the village of Hilton has grown from being a relatively small place to being the size of a small town as a result of the addition of some 1,500 homes. Large developments at Midway, Church Gresley, Woodville, and between Swadlincote and Woodville, have substantially merged the various communities focused on Swadlincote into one continuous built mass. The decommissioning of three hospitals in the areas, those at Aston Hall, the Pastures, just outside Derby, and Bretby, just outside Swadlincote, has provided the basis for significant, and, in two cases, rather isolated developments. There have also been significant developments on the edge of Derby, sprawling across what were previously open fields toward what may start to be seen as the next natural boundary of the city, the new A50.

Such rapid growth has placed strains on local infrastructure. Although the new A50 was completed during this period, temporarily taking some strain from the former A50 north of Swadlincote, there have been no other significant road schemes. Population growth has sharply increased congestion on roads around Swadlincote and has increased pressure on the A514 linking Swadlincote to Derby, causing particular problems at Swarkestone, where the ancient monument causeway, which is the main road—the A514—has suffered accordingly. The area has no significant rail systems; it has two minor and seldom used halts at Willington and Hatton. Bus services have no dedicated road facilities and are relatively expensive compared with major urban services. In some areas, such as the large Pastures estate just outside Derby, there are no services at all, making the residents of a brand-new housing estate entirely car dependent.

With the arrival of new residents, pressure on public services has also increased. GPs in the area have larger than normal lists and have struggled to cope at times. Despite major building programmes producing numerous extra classrooms, schools have also been stretched, particularly when families arrive after the next year's allocations have been made. Although employment has grown in the area, it remains true that much development has had no substantial associated employment growth, thus producing dormitory lifestyles.

Much of South Derbyshire forms part of the national forest. Since the early 1990s, tree cover in the area has nearly trebled to around 17 per cent. of the landscape. I shall return to the compatibility of projected future growth with completion of the target of 30 per cent. tree cover in the future. Nevertheless, we have coped—just about—and homes sell in South Derbyshire. It remains an attractive place to live, with generally good schools, low crime and a pleasant environment.

Let me turn to the future. The county structure plan, which runs to 2011, is being superseded by the emerging regional spatial strategy for the east midlands, which covers the period up to 2026. The strategy has been examined by an expert panel and modifications are expected within the next few weeks, and part of the point of this debate is that those modifications will be considered by the Secretary of State. The RSS proposes a continuation of the district's growth, at much the same pace as in the past 15 years. It would mean the completion of 605 units per year through the next 18 years to 2026. It is worth recalling that a large proportion of the 1991 to 2007 growth has been either on brownfield sites—such as the Hilton military depot—or sites that could have been brownfield, including former coal mining areas and especially a large site that was threatened with opencast mining. The more desirable alternative was to build houses. We also have some old hospital sites that have formed the basis for further new development.

Such substantial sites are not so obviously available now. There are two largely disused power station sites, although power generation is planned in the future at Drakelow. At Willington, previous examination—in the aborted South Derbyshire local plan—highlighted a variety of problems that obstruct potential development. At the other site, Drakelow, any development would require major infrastructure investment. Both at least have some rail connections.

Proposals for much of the rest of the growth would inevitably involve loss of green fields, particularly around the southern edge of Derby. I cannot see how the district could meet its target of accommodating 60 per cent. of this huge growth on brownfield sites. To illustrate the problem, there is currently concluding a conjoined public inquiry—caused by the failure of the local plan—into proposals for more than 4,500 houses on four sites around the southern edge of Derby, but within South Derbyshire. Only one of those, for 950 to 1,000 homes, is on a largely brownfield site at Willington power station. There remains little brownfield land with any potential for development around Swadlincote, which is the other proposed major focus for new house building. Indeed, parts of the edges of Swadlincote have only recently been afforested and added to the national forest tree cover.

Concentrating most of the growth around Derby and Swadlincote will at least ensure that access to public transport and local employment will be possible. But that is likely to threaten the separate existence of villages such as Findern, just outside Derby, and Hartshorne, Castle Gresley, Stanton and Linton around Swadlincote. So the RSS growth presents substantial challenges. It will certainly not be accommodated on brownfield sites. Without significant investment to utilise what are currently freight rail lines, there will be no use of rail systems and the likelihood is of continuing strong reliance on cars. It will threaten the achievement of tree cover targets for the national forest. Based on past experience, public services will be severely stretched as councils receive the recognition of population growth only after it happens.

There are more problems still. South Derbyshire abuts the west midlands. Burton-upon-Trent, the neighbouring town, has been identified as a growth point for the west midlands, and it has been suggested that South Derbyshire should accommodate a part of Burton's growth. The expert panel reviewing the east midlands regional spatial strategy responded to that suggestion by indicating the potential for

"a major expansion of the corridor"

which encompasses Coalville, Ashby de la Zouch, both in North-West Leicestershire, and Swadlincote in South Derbyshire—which would

"bring together the present separate towns as a principal urban area in its own right".

The panel suggests that its startling proposal be considered as part of a mini-review outside the RSS exercise, although it notes that the review will hardly be mini in its impact.

Finally, we have the eco-town initiative. In principle, we all welcome such ideas. However, the proposed eco-town has been dropped into the area between Burton and Swadlincote, which is currently unspoiled farmland. The plan actually fails to include the one major brownfield site in the area—Drakelow power station. The site is close to the edge of Burton, thus suggesting more a suburban sprawl than a new town. It would, in effect, sweep away small forest communities such as Cauldwell and Rosliston, uproot a large section of the national forest and replace a fitting network of minor roads serving small communities with a large link road between the A38 and the A444—hardly an argument for sustainable transport from those who support the eco-town proposal. The 5,700 homes proposed would be additional to the regional spatial strategy proposals, and additional to any growth required to meet Burton's growth point needs.

Frankly, if all the proposals were to proceed the area would be entirely unrecognisable in 18 years' time. To give the House a picture, taking 1991 as a base point and 2026 as an end point, we would see 75 per cent. growth in the population of South Derbyshire over that period, even based on the RSS proposals alone. If we included the additional major proposals, the figure would be substantially more.

Swadlincote would become part of a much larger urban unit stretching as far as Coalville. It would be joined to Burton by the eco-town—as it has been branded—and by Drakelow's redevelopment as a housing community. Derby would sprawl southwards to the A50. The RSS gives little indication of significant infrastructure investment beyond the possible opening to passengers of the Leicester to Burton freight line, known as the national forest line or the Ivanhoe line depending on how long one has been arguing for the particular proposal.

Growth at that pace and scale will place immense strain on public services, the planning system and community cohesion. What should we do?

The location of hugely disproportionate growth in one district is unacceptable, particularly when added to relentless and partially undigested growth in the immediate past; we have still not fully accommodated the people who have moved into our area over the past five to 10 years. The RSS proposals alone will be impossible to accommodate without heavy use of green space. We should instead aim to hold to the 60 per cent. brownfield target and build our volume projections from what is available to meet that goal.

Our past experience shows that growth even on a scale that I could accept places high stress on public services and planning functions. Areas such as ours deserve some resource ahead of population data catch-up, delivered through additional planning expertise, capital funding towards public services and infrastructure and marketing support to draw in private sector investment in jobs and services in synchronisation with population growth. Any additional development falling within South Derbyshire to meet Burton's growth needs should be subtracted from the district's planned housing growth.

The eco-town proposal is unacceptable. It does not utilise brown fields, it is unlikely to form a distinct community and it is potentially ill-served by sustainable transport systems. It should be rejected. I await the Minister's response.

2.44 pm

The Minister for Housing (Caroline Flint): I congratulate my hon. Friend the Member for South Derbyshire (Mr. Todd) on securing the debate. South Derbyshire, as he said, is the fastest-growing district for new development in the county. He is well aware of the pressure to build new housing to accommodate the needs of those who want to have a home. He has also emphasised that with that chance to have a home come other considerations and pressures on local services.

South Derbyshire has already shown that it is ready to meet those challenges. As a member of the three cities and three counties growth point, which is one of the Government's long-term partnerships for growth with local authorities, South Derbyshire has delivered on average more than 580 new homes a year since 1991. More than 1,000 people are waiting for social housing in the district, and they understand the need to perform even better against the regional allocation. The district council is to be commended for its commitment to contribute more than 600 homes a year to meet the housing needs of the Derby area, and we are supporting that commitment with revenue and capital funding.

I know that my hon. Friend will appreciate that we need to do even more nationally to meet the rising demand for homes. Clearly, there are nationwide affordability pressures. All regions are experiencing major increases in the number of households, not only because people are living longer but because of the fact that there are more single-person households than ever before. By 2016, the Government want to see 240,000 new homes built every year to keep up with demand.

We are inviting local authorities to come forward with further growth point proposals and we are also encouraging expressions of interest for new eco-towns from the public and private sector. We have had an enormous response on both fronts, with more than 30 expressions of interest for growth points and more than 50 for eco-towns. I shall explain a little more about the process in a moment, as I hope not only that that will reassure my hon. Friend but that the record will be taken up and read by other hon. Members who have raised concerns about the process.

[Caroline Flint]

First, I want to say something about the pace of growth. Of course, any proposal has to be subject to further assessment and ultimately to assessment though the planning system. As my hon. Friend has said, we must ensure that growth is taken forward sustainably and that the phasing and delivery of housing is accompanied by appropriate investment in infrastructure and the avoidance of unnecessary pressure on transport and the surrounding areas. We are committed to helping authorities to deliver when extra resources are needed.

Eco-towns are a different approach to providing homes as they involve designing a wholly new development with the highest standards of sustainability built in from the start. Such schemes offer a tremendous opportunity to revolutionise the way we plan and deliver our towns, as well as radically changing for the better the way that people travel, work and live. They will be exemplar communities that other towns and developments can draw from.

The eco-towns prospectus was published alongside the housing Green Paper. Eco-towns must be designed to meet the highest standards of sustainability, including low and zero-carbon technologies and good public transport. They must lead the way in design, facilities and services, and above all in community involvement. Only schemes with the potential to meet those criteria will be considered by Government to have the potential to be new eco-towns.

Mr. Todd: Is the Minister suggesting that an important consideration in determining whether an eco-town should be accepted is general community acceptance in the area in which it is proposed, as well as some demonstration of sustainable transport systems that might support it?

Caroline Flint: That is the case. I shall elaborate a little more on the opportunities for people to have their say in the process.

The eco-town as a whole—not just the homes—must be able to reach zero carbon through energy provision and use, the sensitive design of the town, and innovative methods of encouraging low-carbon living. Sustainable transport is essential to the new eco-towns. They must clearly demonstrate how they will encourage a reduction in people's reliance on their cars and a shift towards other more sustainable transport options. We are looking for high-quality offers on accessible public transport and promotion of cycling and walking, and we expect transport plans to be drawn up for each scheme outlining how those can be achieved both within towns and, importantly, in their links to surrounding towns and villages.

In the prospectus, we have highlighted many good examples from Europe and some exciting smaller-scale developments in the UK. We have asked the Town and Country Planning Association, the Royal Institute of British Architects, the Prince's Foundation and the Commission for Architecture and the Built Environment to bring their considerable expertise to bear on the eco-towns. We are looking across Government at the potential impact of the proposals on the road and rail networks and the environment, and we are assessing how they will deliver on plans to link to other centres and to employment in the most sustainable way.

The locations of growth points and eco-towns are highly important to us in coming to a view on sustainability, which is why we are considering the proposals across Government. We are assessing in particular whether there are issues of potential flood risk or scarcity of natural resources, and considering effects on the natural environment—the green spaces that we all have the right to enjoy and the protected landscapes or species in them. We are also looking for innovative proposals to enhance biodiversity and improve the natural environment by integrating green spaces into new eco-towns. Once we have completed an initial assessment of the applications received, we expect to publish the shortlisted proposals for eco-towns in February for full public consultation. Clearly, while the assessment is under way, I cannot comment on any particular scheme, but I will comment on the process that will apply in all cases, as I know that there is concern about it.

We are carrying out an initial assessment of the sites for eco-towns that involves the relevant Departments including the Department for Transport and the Department for Environment, Food and Rural Affairs—and their agencies. The purpose of the assessment is to find out whether there are any concerns about locations that are so significant that the Government could not support them as sites for eventual eco-towns. We will take into account issues such as accessibility to public transport, impact on the road network, landscape constraints, special protection, and flood risk. During this early stage, the Government are also taking soundings from regional partners in the assemblies and regional development agencies, as well as seeking the important views of local authorities affected by the sites. All local authorities have been informed that their views on the schemes are actively sought.

That is not the end of the story. As I said, we are making an initial assessment of the potential of all bids with the purpose of excluding sites with too many show-stoppers for development to take place. Immediately following that assessment, we will publish a shorter list for public consultation, and we will take every opportunity to engage with local authorities and the public during that time to ensure that their views are heard. After the period of public consultation, we will make final decisions on the areas with the most potential to become the eco-towns of the future. They will be the sites that the Government want to help develop through direct funding to local authorities using the growth areas money, so that studies and further assessments requested by the agencies can be done and local authorities are resourced to work on the schemes.

I hope that I can reassure my hon. Friend that there is no truth in the claim that the Government are deciding the locations of the 10 eco-towns behind closed doors without reference to the views of the public or the local authorities in the areas where expressions of interest have been submitted. Importantly, I also confirm what the Secretary of State for Communities and Local Government said in the House about eco-towns: they are indeed a matter for

local authorities under the town and country planning system. Any eco-town site regarded favourably by the Government must be subject to testing through the planning system, including an appraisal of its sustainability, in order to proceed. We will work with local authorities in the areas where the Government would like to see eco-towns built. In most cases, the scheme will be supported by an up-to-date local development plan. We know that in some cases local authorities are including new settlements in their issues and options consultations.

In some circumstances, an authority without an up-to-date plan but with a housing shortage may want to proceed with development. In such cases, the local authority will still need to make a decision on a planning application, and will have to be satisfied that all options for the development's location have been tested. Eco-towns will need full planning applications; section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. Some areas will also want to consider reviews of the development plan or mini reviews of the regional spatial strategy.

We have previously mentioned the use of new towns powers to deliver and maintain an eco-town, and we remain open to the possibility that, in the specific circumstances of a scheme and its location, it may be appropriate to establish a new town development corporation. In every case, there would still need to be a planning application, or a master plan for each eco-town, which would have the benefit of full public consultation and robust testing of the proposal. Whatever the case, the views of councils and the public are integral to the debate about the ultimate location of sites, and the planning system is the right place to have the debate.

I hope that those observations have demonstrated to my hon. Friend and others the Government's commitment to getting the processes right.

Mr. Todd: The Minister mentioned the mini review process. As I said in my speech, there is a proposal in the expert panel review of the regional spatial strategy to conduct a mini review on accommodating Burton's growth-point growth in South Derbyshire. What sort of mechanism does she envisage for dealing with such dramatic proposals?

Caroline Flint: As the regional spatial strategy has not been formally adopted, it is difficult to say whether a mini review would happen. The Government are still considering the full regional spatial strategy, but I am happy to ascertain whether there is any further information that I can provide to my hon. Friend. Clearly, I am limited in what I can say.

We want to make it clear that we are no less committed to the goal of delivering significant new homes in new growth locations, and to ensuring that that new housing does not harm the environment. Indeed, it can be imaginative in design, landscape and the use it makes of natural assets. I also fully recognise that infrastructure is an important partner to new homes so that they and the places in which they exist are successful.

We want sustainable homes in well-designed and attractive towns, and I am sure that my hon. Friend agrees that many people who are waiting to buy an affordable home or rent a house want that as well.

Mr. Todd: Will my right hon. Friend expand on the importance of brownfield sites for new developments? She heard the reference in my speech to the potential difficulties to meeting the 60 per cent. use of brownfield growth targets. I drew attention to the fact that the eco-town proposal is not for a brownfield site. How critical is the use of brownfield for new housing development?

Caroline Flint: Of course, brownfield sites are critical for new housing development. We are trying to do as much as we can to take advantage of the opportunities that brownfield sites provide. We are also considering across Government what public land is surplus to requirements and can be used.

We are not simply considering numbers or bricks and mortar but real people who want homes. I am sure that my hon. Friend agrees with me that access to affordable housing is no longer a priority only in London and the south-east. There are many other areas of the country, including my hon. Friend's and mine, that need to offer that opportunity. It is part of our social justice agenda to ensure that those most in need have a chance to have a home, which many of us enjoy.

Question put and agreed to.

Adjourned accordingly at two minutes to Three o'clock.

House of Commons

Monday 4 February 2008

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

CHILDREN, SCHOOLS AND FAMILIES

The Secretary of State was asked—

Educational Options (16 and 17-year-olds)

1. **Barbara Keeley** (Worsley) (Lab): What steps his Department is taking to provide a range of options for 16 and 17-year-olds when education and training becomes compulsory up to the age of 18 years. [183678]

The Secretary of State for Children, Schools and Families (Ed Balls): The Education and Skills Bill sets out our plans both to raise the compulsory participation age in education to 18, and to provide new options for young people alongside our new diplomas and enhanced advice and guidance. We will introduce a foundation tier for those not yet at level 2 and expand the range and number of apprenticeships, so that by 2013, 90,000 more young people will do an apprenticeship each and every year, compared with today.

Barbara Keeley: I thank my right hon. Friend for his reply. Apprenticeships are a key option for young people, but there is evidence of considerable gender bias. The male options that are taken up tend to be better paid and lead to higher qualifications. In fact, in Salford, Connexions found that 100 per cent. of young women took health and child care, but skilled construction apprenticeships were 100 per cent. male, so that bias is evident locally. What initiatives or extra steps can be taken to tackle that considerable bias in apprenticeships?

Ed Balls: My hon. Friend is quite right on that point. Across the country, 99 per cent. of apprenticeships in construction are taken by men, and in engineering, the figure is 97 per cent. In child care, however, the number of apprenticeships taken by women is 97 per cent., and in hair and beauty it is 91 per cent. The new national apprenticeship service must make a priority not only of expanding the number of apprenticeships but of ensuring that they are available to both men and women. Through taster courses, better advice and guidance, we must make sure that the opportunities that we are expanding are available to men and women across the widest range of careers.

Bob Spink (Castle Point) (Con): I very much welcome the 90,000 additional apprenticeships, but will the right hon. Gentleman tell the House what he is doing to make sure that there is proper workplace-based training for those new apprenticeships? What incentives will he give employers to ensure that those young kids get real experience on the job, as interns would if they came to work in the House?

Ed Balls: I am not sure whether interns or young employees always get on-the-job experience. On the point made by the hon. Gentleman, we will only include in the 90,000 those young people who have a contract of employment with an employer. It will not simply be people on a training scheme—they must get work with an employer, as well as structured training. If it is an apprenticeship, that will be done in a particular way, and that will be dealt with by the national apprenticeship service. If it is a full-time job, under our new legislation there will be one day of training a week for every young person doing more than 20 hours. The important thing is to make sure that there is proper structured training to a qualification and, at the same time, the kind of on-the-job experience that will help those young people to be ready to move on to a full career. I can guarantee that that is very much part of our thinking, not just on the apprenticeships programme, but on the new diplomas, which combine learning and the practical experience that the hon. Gentleman wants to see more of.

Mr. Geoffrey Robinson (Coventry, North-West) (Lab): We are very pleased indeed with the steps that my right hon. Friend has taken to raise the compulsory age of participation. To make that a success, however, we must greatly increase the number of apprenticeships throughout the system in a relatively short time. His proposals for a national apprenticeship service could play a key role, provided that we get the organisation, the relationship with local government and the financing right. Would he therefore be prepared to meet a group of us who are concerned about all those matters, so that we can discuss them with him and the key people on his side?

Ed Balls: I am very happy to meet my hon. Friend. He has a great deal of experience in these matters: when he was chief executive of Jaguar, the company offered an important apprenticeship programme. He has a lot to teach us all about how to drive work-based learning in society, and he is absolutely right that only by expanding apprenticeships and providing better advice and guidance, and by making sure that barriers to learning are addressed can we achieve our objectives in raising the participation age to 18. We have been careful: we have not said that the measures will come in tomorrow; we have given ourselves five years and 10 months to prepare, and we will use that time to make sure that the legislation genuinely delivers the revolution that we need, including the revolution in learning in the workplace, which he supports.

Mr. Nigel Evans (Ribble Valley) (Con): It is proper that we should give effective vocational education to young people, whether in colleges or on work placements. However, the Secretary of State will know the shocking statistics on how many people leave

school who cannot even read and write properly. Will he give a guarantee that he will redouble his efforts so that nobody leaving full-time education at age 18 will be illiterate?

Ed Balls: I am redoubling my efforts and those of the Government; I am also putting in place substantial funding increases year on year to deliver on that. The hon. Gentleman's words and those of other Conservative Members would have more credibility if they had supported our investment in education rather than opposed it in the past 10 years. We will do more to make sure that every child does well at school and that at 11 and 16 they get the qualifications that they need. Our Every Child a Reader and Every Child a Writer programmes are there to give the personalised one-to-one support that is needed. I agree with the hon. Gentleman that the situation today is not good enough; but it is a hell of a lot better than it was 10 years ago, when we came into power.

Mrs. Claire Curtis-Thomas (Crosby) (Lab): I was very pleased to hear what my right hon. Friend said about trying to ensure that more women get into apprenticeship programmes. However, has he reviewed the programmes that he has already established for older women? On that basis, does he have any words of comfort for organisations that would like to see more such schemes to ensure that more women access higher-paid jobs?

Ed Balls: My hon. Friend has great credibility, as someone who has practised lifelong learning throughout her life and who has shown that women can go in and become experts across the widest range of professions. I listen to her words very carefully. As she knows, we now have not one but two Education Secretaries in the Cabinet. The funding of apprenticeships to adult women is a matter for the Secretary of State for Innovation, Universities and Skills. I shall raise the issue with him; together, we are driving forward the revolution in apprenticeships that our country needs and I shall ensure that my hon. Friend gets a proper reply from him.

Tony Baldry (Banbury) (Con): The first tranche of diplomas—in subjects such as construction, IT and engineering—are coming in this September and they are very welcome. Will the Secretary of State explain who is meant to be engaging with employers in our constituencies? Do the Learning and Skills Council or the sector skills councils make sure that as many small and medium-sized employers as possible get signed up?

Secondly, will the Secretary of State in due course—

Mr. Speaker: Order. One supplementary question is fine.

Ed Balls: In the case of apprenticeships, the new national apprenticeship service will have teams around the country to drive the number of extra apprenticeships that we need for 16, 17 and 18-year-olds. At the moment, the issue of 16 to 19-year-old learners taking up diplomas and engaging with employers is taken forward by the Learning and Skills Council as part of the local consortiums for driving forward the take-up of diplomas, and we now have that in most parts of the country.

In the next few weeks, we will publish a consultation on how to move the funding of 16-to-19 education to the local-authority level. When local authorities are at the centre of the local funding partnerships, the issue will be their responsibility, although they will work closely with regional development agencies and sub-regional employer skills partnerships to make sure that employers are engaged in the widest possible way. Without the support of employers, we will not be able to make a success of the diploma scheme. So far, the employer reaction to our diploma programme has been very positive indeed.

Kelvin Hopkins (Luton, North) (Lab): I strongly support the Government's policy in this area and their efforts to improve education at every level. However, the fact is that a significant proportion of young people, mostly low achievers, become alienated from school and education at a very young age, and that carries through into the teenage years. We are in stark contrast to some other countries in this respect. Will my right hon. Friend look carefully at ways of overcoming that alienation and demoralisation among young people? That would make the Government's policy for 17 and 18-year-olds much more successful.

Ed Balls: Our policy for compulsory education to 18 will first affect the young people who today are 10 and 11 at school. What will motivate them will not only be the support that they get from teachers and families, but whether the curriculum is motivating for them in the period up to age 16. That will determine whether they want to stay on in education or training after that. It is certainly true that we have a lower staying-on rate at 16 than other countries, although the rate has been rising. However, the reforms that we are putting in place to the curriculum at key stage 3 level, and our diplomas, are more likely to achieve the kind of mix of theory and practice that will engage young people.

Sports colleges, for example, today have the fastest increase in results, including in English and maths, because they use the motivation of sport to get young people learning across the range of different subjects. That is a great success story for the Government and shows the way forward for other areas.

Youth Services (London)

2. **Harry Cohen** (Leyton and Wanstead) (Lab): What plans he has to fund youth services in (a) Leyton and Wanstead and (b) London in the next three years. [183679]

The Minister for Children, Young People and Families (Beverley Hughes): In addition to funding that local authorities can choose to allocate to youth services from their own budgets, over the next three years London will benefit from direct investment from my Department of £226 million for Connexions services, £64 million for Positive Activities for Young People and £34 million for youth opportunity and capital funds. The corresponding figures for Redbridge and Waltham Forest local authorities combined are £13.9 million for Connexions, £3 million for PAYP and £2.1 million for youth opportunity and capital funds.

Harry Cohen: I very much welcome that answer, which shows the Prime Minister's and the Minister's commitment. Indeed, the Mayor of London is keen to put money into youth facilities as well. In London, those better youth facilities are very much needed to stop the drift towards gangs and gun and knife culture. Will the Minister ensure that the money is spent as intended and that some local authorities—for example, Conservative ones—do not siphon the money away from youth facilities?

Beverley Hughes: I thank my hon. Friend for his question and for his continued interest in ensuring that his local authorities invest in youth services. He is right to say that the Mayor of London has added £20 million to our money over the next two years to constitute a dedicated London youth offer. A relatively large proportion—about two thirds of the £679 million in the 10-year youth strategy—will be ring-fenced so that we can insist that local authorities spend that money in conjunction with young people themselves. It is important, however, that local authorities maintain and, if possible, increase their contribution to their youth services from their own area-based grants to continue to drive up improvements. My hon. Friend is aware that Redbridge local authority was judged to be inadequate for youth services and value for money, and it is important that he keeps monitoring it to ensure that it puts the money where it is needed.

Mr. David Evennett (Bexleyheath and Crayford) (Con): The Government's strategy, "Aiming high for young people", is a worthy commitment, but it is rather vague. Will the Minister clarify what sort of places she envisages young people will be looking for in boroughs across London?

Beverley Hughes: If the hon. Gentleman is referring to the specific amount of money in "Aiming high for young people", which was £6 million and which was increased by a further £160 million in the children's plan for refurbished and new youth facilities—the capital part of that offer—we are very much open to local authorities working in conjunction with young people to come forward with ideas for what is needed in their areas. We want them to use the opportunity to work in partnership with voluntary organisations and with the private sector. I have seen some innovative projects putting youth facilities in place in which the private sector has come on board to provide not only money but expertise, motivation and leadership. There are excellent examples around the country, including in London, and we want the best practice to be emulated everywhere to get some really exciting places for young people.

Ms Karen Buck (Regent's Park and Kensington, North) (Lab): I very much welcome the additional money that the Mayor of London and the Government are putting into youth services. Does my right hon. Friend agree that when youth service investment is matched with extended schools, that can make a real difference to tackling antisocial behaviour and improving academic performance and attendance? Does she also agree that it is bizarre that youth services are often closed on the nights of the week, such as Fridays, when the demand is greatest and the need to get young people off the street is greatest? Will she work with local authorities to ensure that youth services are delivering when they are needed most?

Beverley Hughes: I thank my hon. Friend for that question. As she knows, I have been leading something of a campaign on this. We did some research in eight local authorities and discovered in a spot check that in none of them were youth facilities open on a Friday and Saturday. It is time that we got away from providing services that suit the hours of the people who want to work in them rather than those who need the services. As local authorities come forward with their plans for using this money, we will press hard to ensure that, conditionally, these places must be open at times when it makes sense for young people who want to use them.

Teenage Pregnancy

3. **Sandra Gidley** (Romsey) (LD): What steps he is taking to tackle teenage pregnancy through the Every Child Matters agenda; and if he will make a statement. [183681]

The Minister for Children, Young People and Families (Beverley Hughes): The teenage pregnancy strategy is based on the Every Child Matters principles of integrated working, early identification and prevention, and draws upon the best available international evidence on reducing teenage conception. Since we launched the strategy, there has been a steady decline in England's under-18 conception rate, and it is now at its lowest level for 20 years. However, as we discussed last week in an excellent Adjournment debate, that progress nationally masks a wide variation in progress between local areas. We have identified what is working in the best areas, and we are now pushing all areas to incorporate those lessons into their local strategies.

Sandra Gidley: The Minister mentioned a decrease, but she will acknowledge that there have been local increases—particularly in Southampton, which has been dubbed the teenage pregnancy capital of the south. Does she agree that many young people have unprotected sex after alcohol, and what is her Department doing to ensure that children realise that there is a clear link between the overconsumption of alcohol and unintended pregnancy? They may go home with more than a hangover.

Beverley Hughes: The hon. Lady is absolutely right. Alcohol contributes to a significant proportion of unwanted teenage pregnancies, which is why it is important that the strategy adopted locally by local authorities, primary care trusts, youth services and schools—all working together—addresses a comprehensive approach to young people. Those bodies must offer all the support they can in relation to alcohol and the other factors that make young people vulnerable.

As I explained, although some areas are not doing well and need to do better, the areas that have done well have reduced their unwanted conceptions by up to 40 per cent. If all areas performed at the rate of the best 25 per cent., national progress would be double what it is at the moment. It is a comprehensive local approach, addressing all those factors, that makes the difference.

Hilary Armstrong (North-West Durham) (Lab): Will my right hon. Friend do what she can to encourage local authorities to aim their strategy at preventing first-time pregnancies? In my experience, too many strategies concentrate on young girls' second pregnancies, and we want to ensure that the first baby is prevented. I hope that she will encourage local authorities to use programmes that concentrate on that issue, including provisions to ensure that nurses work in those schools where early-pregnancies are most prevalent.

Beverley Hughes: My right hon. Friend is expert in this area because she spent a lot of time in her previous position in the Cabinet Office striving for progress. She is absolutely right: about 80 per cent. of teenage pregnancies involve first-time mothers. It is right that we address that matter in every way we can, and it is also right that schools play their part in a clear way by providing, where appropriate and with the agreement of governors and parents, good advice centred on young people, on school sites where necessary. That includes sexual health advice, as well as other advice relating to young people's problems.

However, it is also important that we address second pregnancies because it is a really serious failure when 20 per cent. of teenage pregnancies are second or subsequent pregnancies involving young women who are still teenagers. If services cannot capture women who have already had a baby, and help them to avoid a second or third, they need to do a lot better.

Tim Loughton (East Worthing and Shoreham) (Con): The Minister is right to talk about integrated working, but she has no reason for complacency. If the Government have done so much on sex education, why did the UK Youth Parliament reveal that almost half of teenagers rate their sex education lessons as "poor" or "very poor"? The World Health Organisation said that more children in this country have sex than those anywhere in Europe, and there has been an alarming 43 per cent. increase, not in second pregnancies, but in the number of children having abortions for the second time. If everything is going as well as she claims, why has her Department halved the number of staff in its teenage pregnancy unit? Does that not show that the Government's 2010 target for halving teenage pregnancies is another failed ambition?

Beverley Hughes: I really welcome the hon. Gentleman's indication that he supports much more systematic, rigorous and consistent sex and relationship education in schools. Frankly, that is not the message we get from many of his hon. Friends.

In relation to the teenage pregnancy unit, the focus is now on local areas. We cannot command strategies from the centre. Having developed the strategies and given local areas the tools they need, we need only a small team at the centre. We need local areas to improve their focus on and investment in local activity because we will make the difference there, not through command and control from Whitehall.

Holocaust Education

4. **Gordon Banks** (Ochil and South Perthshire) (Lab): What assessment he has made of the contribution of the Holocaust Educational Trust's nationwide Lessons from Auschwitz project to teaching of the holocaust in the national curriculum. [183682]

The Secretary of State for Children, Schools and Families (Ed Balls): More than 1,500 students have now had the opportunity to visit the concentration camps at Auschwitz-Birkenau as a result of the work of the Holocaust Educational Trust and to build on the learning that they have received through the national curriculum about the horrors of the holocaust and the lessons that we should learn from it. I can announce today that we will allocate £4.65 million for the next three years to ensure that that work can continue. I can also reassure my hon. Friend that a proper evaluation of the funding on those trips, as well as of their impact on young people's citizenship and their understanding of the world, will be built into the HET's work as part of that three-year funding.

Gordon Banks: I thank my right hon. Friend for that welcome answer. I have visited Auschwitz-Birkenau with school pupils from my constituency, and I stress to my right hon. Friend the importance of urging the devolved regions of the UK to put funding in place, too. Will he do that whenever it is appropriate? Will he also take this opportunity to dispel the rumour that the holocaust will be removed from the curriculum, for which my right hon. Friend is responsible?

Ed Balls: On my hon. Friend's first point, I have not had the opportunity to go on one of those trips although my hon. Friend the Minister for Schools and Learners has. In my constituency, I ran a competition in which young people had to write an essay and the prize was to go on one of the trips. I have seen first hand, as has my hon. Friend the Member for Ochil and South Perthshire (Gordon Banks), the great impact that such trips can have, not only on those young people but on the whole school when they report back about the horrors that they saw. Our young people are learning lessons about tolerance and mutual respect for 21st century Britain from those visits.

I hope that all the constituent parts of the UK will use the funding available. The £4.65 million for England clearly has Barnett consequentials in this area for the devolved countries. I hope and expect that they will ensure that such visits are available for all young people across the four constituent parts of the UK.

As for my hon. Friend's final point, let me take this opportunity to dispel that internet myth. The teaching of the holocaust is compulsory in the national curriculum for all young people at key stage 3 and it will remain a compulsory part of teaching in the national curriculum under this party—and I am sure that it would remain so under all parties in this House. The holocaust is an issue that must be learned about, studied and reflected on by all our young people. It will stay in the national curriculum.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): I am pleased to be a council member of the Holocaust Educational Trust, and I commend the Government for their support for this important programme. The incident at the King Fahad academy shows that anti-Semitic messages of hate are still circulating in our schools. What steps is my right hon. Friend taking to deal with that important issue?

Ed Balls: The fact is that bullying and any other kind of exploitation of difference, whether that happens on racial, religious or gender grounds, is wrong. Schools have a duty to act to stamp it out. That includes that particular school. Like all schools, it should take action when necessary. We have an inspection regime that is designed to ensure that that guidance on schools' obligations is put into action. My hon. Friend the Minister for Schools and Learners has raised the issue with the inspectorate. We will consider the issue carefully when we see the results. Bullying of any kind, including anti-Semitic bullying, is wrong and should not be tolerated in a society such as ours.

Foreign Languages

5. **Simon Hughes** (North Southwark and Bermondsey) (LD): In how many primary schools a modern foreign language is taught. [183683]

The Minister for Schools and Learners (Jim Knight): Research carried out in 2006 found that 70 per cent. of primary schools are teaching languages. That figure is up from 44 per cent. in 2003. The hon. Gentleman will know that I visited Surrey Square junior school in his constituency last December to see the excellent language teaching that goes on there. I am sorry that he was unable to join me on that occasion, and I look forward to his next question.

Simon Hughes: Southwark has a very good record of about three quarters of our primary schools teaching modern languages. Given that there has been a genuine increase in primary schools teaching modern languages, but that the number of pupils in England studying modern languages in secondary schools up to GCSE has dropped below 50 per cent., and that we are genuinely short of modern language teachers, how will we ensure that we have enough qualified teachers to give the interest and expertise at primary level that lead our youngsters to do modern languages at secondary level, too?

Jim Knight: On the day that I visited Surrey Square junior school, I also announced a 20 per cent. increase in funding for language learning. Part of that is to continue the initial teacher training in specialist language learning for primary schools. We have trained an extra 3,000 primary school teachers in language learning in the past three years. We need to continue that as we build up to the compulsion that we announced for primary language learning in the children's plan, which comes into effect from 2011.

Sir Patrick Cormack (South Staffordshire) (Con): Would the Minister accept that the alarming illiteracy figures suggest that the one language that is not necessarily taught as rigorously as it should be in schools is English?

Jim Knight: No, I would not accept that. I am sure that the hon. Gentleman accepts that the number of young people leaving primary school and reaching the national standard in literacy and numeracy has increased by 100,000 a year. I am sure that he welcomes that improvement.

David Taylor (North-West Leicestershire) (Lab/Co-op): Small primary schools with small teaching staffs often cover widespread responsibilities and areas of the curriculum. In smaller schools, French may be pushed to the periphery. Will the Minister tell the House whether, in small primary schools, French is less likely to be taught, and whether there is an underlying problem with the future of small primary schools in this country on the scale that press coverage in the past seven or 10 days suggests?

Jim Knight: My hon. Friend will have noticed that I am extremely enthusiastic, in the light of such press coverage, to stress that small, especially rural, primary schools should explore the potential of federation. Nowhere is that needed more than in increasing language specialism in primary schools. The ability of primary schools to come together under a federation not only saves money through allowing them to share perhaps a head teacher, but enables them to share specialist teachers, such as language teachers, and tackle the problem.

Mr. Nick Gibb (Bognor Regis and Littlehampton) (Con): The Minister has given the global figures for modern language teaching in primary schools. However, is he not worried about the report from the National Foundation for Educational Research, which reveals that, for each year group at key stage 2, only half of primary schools provided foreign language teaching and only a third provided it for all year groups at key stage 2?

Jim Knight: Obviously, we examine in detail what the NFER tells us about its research—it is a reliable research organisation—as we continue with our strategy. However, the overall figures speak for themselves. The hon. Member for North Southwark and Bermondsey (Simon Hughes) last asked the question in 1990, when the Conservative party was in power. Then, only 20 per cent. of primary school students were learning a modern foreign language. The trend is undoubtedly in the right direction.

Unaccompanied and Trafficked Children

6. **Mr. Anthony Steen** (Totnes) (Con): If he will take steps to prevent unaccompanied and trafficked children from going missing while in local authority care. [183684]

The Parliamentary Under-Secretary of State for Children, Schools and Families (Kevin Brennan): The Government take that issue very seriously and we are therefore taking steps to address it. Existing statutory guidance for local authorities about children going missing from care applies regardless of immigration status. Last week, we published proposals to improve services for unaccompanied asylum-seeking children, including better procedures for identifying and supporting the victims of trafficking.

In December, we published specific guidance, "Safeguarding Children who may have been trafficked". That includes action for local authorities and all practitioners who work with children to take when potentially trafficked children enter care to protect them from further exploitation.

Mr. Steen: Since local authority safe houses are anything but safe, hundreds of unaccompanied asylum-seeking children go missing each year because the provisions are insecure and it would not be acceptable to lock them up. Will the Under-Secretary ensure that children trafficked into the main London airports and those elsewhere in this country do not go to local authority care homes and safe houses close to the airport, because the traffickers know that that happens? They wait in cars outside those homes to pluck the children out of them within hours of their being placed there.

Kevin Brennan: I pay tribute to the work that the hon. Gentleman does in this area. He is quite right: it is a problem that trafficked children can go missing from care, often returning to those who trafficked them. He is also right to identify the problem of keeping them secure. He may be aware that the Border and Immigration Agency published its response to the public consultation exercise last week. One of the measures announced was a response to exactly the point that the hon. Gentleman made; in other words, there is a need to place unaccompanied asylum-seeking children in a network of specialist local authorities, to ensure that they receive the expert services that they need.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): But are those local authorities going to be given the support that they need to ensure that they can keep tabs on the children concerned? It is an absolute disgrace in the 21st century that children who are at such risk cannot receive that support from the United Kingdom.

Kevin Brennan: Yes, and my hon. Friend is quite right to describe the trafficking of children as an absolute disgrace. As I mentioned earlier, the Home Office published the results of its public consultation exercise last week, which include better procedures to assess the age of children, ensuring that adults and children are not accommodated together, and putting in place better procedures to identify and support asylum-seeking children who are the victims of trafficking, while paying particular attention to those who are at risk of going missing or suffering further harm or exploitation.

Engineering

7. **Dr. Ashok Kumar** (Middlesbrough, South and East Cleveland) (Lab): What steps his Department is taking to promote engineering as a career amongst 14 to 16-year-olds; and if he will make a statement. [183685]

The Minister for Schools and Learners (Jim Knight): We are funding a new communications campaign to provide advice on subject choices and careers in science and engineering, and to dispel narrow stereotypes about engineers. We are supporting activities to excite young people about engineering, such as the science and engineering after-school clubs, which will double in number to 500 by September, while the new style of teaching and learning delivered by the new diplomas from September should attract significant numbers into engineering from the age of 14.

Dr. Kumar: I am very happy to hear what my hon. Friend has said, but is he aware of the recent study carried out by the Royal Academy of Engineering, "Public Attitudes to and Perceptions of Engineering and Engineers", which found that young people were least aware of what engineering is all about? I am happy that he is making such efforts to promote engineering in schools, but will he monitor the situation closely, because we do not want to be in the same situation in a year's time?

Jim Knight: My hon. Friend is an effective champion on the issue in the House, and I know that he takes a great interest in the future of engineering. We will certainly continue to monitor things. He is right that the survey to which he referred showed that young people felt that they knew little about engineering or what engineers do. The reality is that engineering covers a wide range of interesting careers, including music, electronics and space. I hope that our communications campaign will open up young people's eyes to the exciting world that he champions so well.

Joan Ryan (Enfield, North) (Lab): My hon. Friend might be aware that Enfield has a long and proud history in engineering. I recently met north London employers, who told me that they have trouble attracting good-quality candidates into engineering. The view of an engineer as someone who wears a boiler suit, has an oily rag and is themselves covered in oil is the one that predominates. Really good careers advice is needed to reflect what the profession is actually about. Ensuring that young people have a true vision of engineering through good vocational education is also crucial, so I am pleased to hear what the Minister has said. I, too, hope that he will monitor progress on the matter.

Jim Knight: We certainly will. Last week I announced £140 million of spending on science, technology, engineering and maths-related issues, which underlines the significance that we place on them and is also a doubling of the funding over the previous three years. The points that my right hon. Friend made about careers advice and work-related learning are correct. I am sure that she applauds the work that we are doing to develop diplomas and, as part of that, to improve careers education. Indeed, there are measures in the Education and Skills Bill, which is currently in Committee, that address all those things.

Anne Moffat (East Lothian) (Lab): Further to those questions and answers, I welcome what the Minister has said. Does he agree that it is vital that specialised engineering skills should be taught in schools as early as possible, particularly in the light of our decision to go ahead with new build in the nuclear industry? We are very short of engineers in that field.

Jim Knight: It is because we are responding to employer demand, including in the area that my hon. Friend has mentioned, that we have focused so doggedly on the STEM subjects. I am confident that, as the strategy rolls out, the cross-government focus with our ministerial colleagues in the Department for Innovation, Universities and Skills, the Treasury and the Department

for Business, Enterprise and Regulatory Reform will enable us to respond to the skills needs of employers up and down the country.

A-level Examinations

8. **Andrew Rosindell** (Romford) (Con): What plans he has for the future of the GCE A-level examination; and if he will make a statement. [183686]

The Minister for Schools and Learners (Jim Knight): A-levels are long-established and valued qualifications. Their future should be decided not by any pre-emptive Government decision, but by the demands of young people and schools. We have said that, in 2013, we will review the evidence and experience following the introduction of all 17 of the new diplomas to see how the range of post-16 qualifications meets the needs of young people and supports their progression into further study and employment. We will consider the future of A-levels in the light of that evidence.

Andrew Rosindell: Before going down the road of the Government-introduced A-level-style qualifications to be offered by companies such as McDonalds, Flybe and Network Rail, does not the Minister think that we should tackle the root problem of the failure of literacy and numeracy, particularly among school leavers? The problem was highlighted in a recent CBI survey.

Jim Knight: We have made clear gains in literacy and numeracy, both at primary and secondary level, as I was saying to the hon. Member for South Staffordshire (Sir Patrick Cormack) earlier. That does not mean that we should be complacent, however. We need to make further improvements pre-16 in order to make the post-16 options work, particularly as we introduce compulsion as part of the Education and Skills Bill. The accreditation of employers' own training for qualifications has been welcomed by the Opposition as a sensible step forward in raising the value of employer-based training.

Mr. Nick Gibb (Bognor Regis and Littlehampton) (Con): Does the Minister share our concern that too many sixth-formers in comprehensive schools are being poorly advised on their choice of A-levels, and that the admissions director at Cambridge university says that their opting for softer subjects "essentially rules them out" of Cambridge? If the Minister shares our ambition of getting more state sector pupils into Oxford and Cambridge, what measures is he taking to ensure that bright sixth-formers study the meatier academic subjects to prepare them for the top universities?

Jim Knight: We simply do not accept that some A-levels are harder or softer than others. Indeed, in 2004 we commissioned the Independent Committee on Examination Standards—chaired by Dr. Barry McGaw, the director of education at the OECD—to look into A-levels. The committee's report concluded that no examination system at school or any other level anywhere in the world was as tightly or carefully managed as the A-level. We are also establishing a new regulator, who will continue to monitor the standard of the A-level to ensure that it is well respected by all our higher education institutions.

Children of Separated Parents

10. **Andrew Selous** (South-West Bedfordshire) (Con): What steps his Department is taking to provide relationship support and services to children of separated parents. [183688]

The Parliamentary Under-Secretary of State for Children, Schools and Families (Kevin Brennan): The children's plan contains a commitment to improve support during and after family breakdown, including helping children to maintain contact with both parents. My Department promotes strong families and seeks to minimise the impact of breakdown on children. Families can access services via children's centres and extended schools. We fund marriage and relationship support through grants, and the Children and Family Court Advisory and Support Service—CAFCASS—safeguards and promotes the best interests of children in family court proceedings.

Andrew Selous: The Children's Commissioner for England has said that the most important cause of unhappiness in children is the threat of family breakdown. Will the Government therefore look sympathetically at the family relationship centres in Australia, which have bipartisan support and help parents to reach agreement on post-separation parenting? They also do a lot to strengthen intact family relationships and marriages.

Kevin Brennan: I know that the hon. Gentleman is very keen on the Australian model and that he has long taken an interest in that subject. I am sure that that has nothing to do with the fact that he had an Australian mother. The Legal Services Commission has recently finished piloting the family advice and information services, known as FAINS. These are aimed at encouraging the development of a more holistic approach, including clients working with their solicitors to develop a personal action plan to identify the actions that the client and other agencies will take, and the support that the client will need, in addition to that of a solicitor. So there is already a FAINS pilot in place, and we will evaluate it in the near future, perhaps before we go on to consider the hon. Gentleman's preferred native solution.

School Buildings (Battersea)

11. **Martin Linton** (Battersea) (Lab): What plans he has to rebuild and refurbish schools in Battersea. [183690]

The Minister for Schools and Learners (Jim Knight): All secondary schools in Wandsworth, including two in Battersea, will be modernised under Building Schools for the Future. Wandsworth's proposals are for Battersea technology college to undergo a major rebuild with some refurbishment, and for Salesian college and John Paul II school to become one new Roman Catholic school, located in new buildings on the current Salesian site.

Martin Linton: I thank my hon. Friend for that assurance. Will he ensure that the building starts first in those two schools given priority in the Wandsworth

bid, which also happen to be the most improved secondary schools in the borough, having improved their GCSE scores from five to 60 and 18 to 67 respectively?

Jim Knight: I certainly congratulate those schools on their excellent results. We will monitor extremely carefully how the £250 million indicatively pledged to Wandsworth will be spent under Building Schools for the Future and I will remain in touch with my hon. Friend, who continues to lobby me hard on ensuring that we achieve best value for money and that standards continue to rise for the young people in his constituency.

Topical Questions

T1. [183668] **David Taylor** (North-West Leicestershire) (Lab/Co-op): If he will make a statement on his departmental responsibilities.

The Secretary of State for Children, Schools and Families (Ed Balls): This morning, I put before the House a written statement on progress in respect of 14-19 diplomas. In addition to setting out that UCAS is recognising that the advanced diploma will be worth three and a half A-levels, Leeds university is announcing that it will accept the construction and built environment diploma for entry to its civil engineering course, and Newcastle, Southampton, Sheffield, Warwick, Nottingham and Liverpool are all announcing that they will accept the engineering diploma—and, indeed, the chair of the 1994 group of universities is confirming that all its members will accept the diploma—the written statement confirms that more than 800 schools and more than 150 colleges will be offering diplomas from thi September. It also sets out a regional breakdown, area by area, for Members of the House, and estimates that from September 2009, two thirds of secondary schools and three quarters of colleges will be offering diplomas as part of their curriculum.

David Taylor: We hear from the Opposition routine and vacuous charges of a continuing widespread decline in academic standards at GCSE level, which can be swiftly and confidently rebutted for almost every subject—save GCSE mathematics, which is widely recognised as a totally inadequate preparation for almost all higher education courses. Can the Secretary of State reassure the House that he will respond positively and rapidly to last Friday's concerns of the advisory committee on mathematical education that those otherwise welcome new diplomas, to which he has just referred, could worsen an already most unsatisfactory mathematical position for future students and future employers?

Ed Balls: I can. May I say how pleased I was that my written statement bore some relation to my hon. Friend's topical question T1—*[Interruption.]* Or, indeed, vice-versa.

On the issue of diplomas, I can first assure my hon. Friend that functional maths is a core part of every stage of every diploma. Secondly, Geoff Parks, admissions tutor at Cambridge university, said in a public statement before Christmas that he believed that the mathematical part of the engineering diploma would be a better preparation than the maths A-level for engineering at Cambridge. I share the concern to ensure that our maths curriculum and maths teaching is of the highest quality, which is why the Williams review is currently looking into the teaching of maths at primary school. We will ensure that, in mathematics as in all other aspects, diplomas are not viewed as a gimmick, or second-class, or only vocational, but as truly world-class excellent qualifications. That means in mathematics, too.

T2. [183669] **Mr. Robert Goodwill** (Scarborough and Whitby) (Con): I am sure that Ministers are aware of the struggle undergone by many parents of children with special educational needs to secure statements for their children. However, once secured, a statement is applicable to only one local education authority, which is particularly frustrating for armed forces parents, who are regularly posted around the country. Will Ministers consider, if not the situation more generally, the possibility of making such statements portable?

Ed Balls: The Defence Committee's inquiry also raised this issue, and I shall discuss with colleagues in the Ministry of Defence how we can do more to increase portability. That does not mean that when armed forces personnel go abroad they will be able to carry the statements with them, which would be a more complex process, but we should be able to make re-entry easier, and I assure the hon. Gentleman that I will discuss that with my MOD colleagues.

Lynda Waltho (Stourbridge) (Lab): I was pleased to hear about increased and continued funding for holocaust education, as was my hon. Friend the Member for Ochil and South Perthshire (Gordon Banks). Last year I was privileged to accompany a group of Dudley pupils to Auschwitz-Birkenau, and I have witnessed their work since then. I know that they have learnt much more than facts and figures about the holocaust. They have learnt about intolerance, victimisation, and how ordinary people can do extraordinary things in the face of adversity. Will my hon. Friend ensure that that opportunity is widened beyond students of history? It is very much part of the citizenship education programme, and should be made available to all pupils.

The Minister for Schools and Learners (Jim Knight): My hon. Friend is right: the Holocaust Educational Trust, led so ably by Karen Pollock, does a fantastic job in organising not only the trips themselves, but the preparation for them and the work that takes place afterwards. My hon. Friend is also right to say that holocaust education of this kind is not purely about history, important though it is in the context. It has significant citizenship effects, and it also helps to combat bullying. We have problems with homophobic bullying and bullying of people with Gypsy or Romany background, as well as anti-Semitic bullying. If young people can understand where that can lead to, they can learn a significant amount from history.

Mr. David Laws (Yeovil) (LD): The Secretary of State knows that the future of some 2,500 primary schools across the country has been put in doubt by the guidance issued by his Department in December. If the

Government really believe in localism, can he tell us why the money that is to be distributed for the building of new primary schools in the future should be conditional on the taking of 125,000 surplus places out of capacity?

Ed Balls: It is not. Let me take this opportunity to lay that claim to rest. Once again, a Liberal Democrat press release has proved to be very misleading. On page 25 of the guidance, we say that we want local authorities to take

"decisive...early action to ensure that no school has more than 25 per cent surplus places".

We say this as well:

"It is also accepted that in order to preserve access for young children, there may be more empty places in schools in rural areas than in urban areas".

We are absolutely clear about the fact that there is a presumption against closing rural schools. Of course, given that resources for local authorities are increasing, it is essential for budgets to be managed properly through collocation of services, through federations and through school budget managers. Local authorities can take a number of measures to avoid the closure of small schools. The idea that we have set out in guidance a plan to close 2,500 schools is simply wrong, and I am happy to put the record straight.

T4. [183671] **Mr. Gordon Marsden** (Blackpool, South) (Lab): What can the Government do to improve educational provision for young people over 16 with special educational needs? There is a new Disability Discrimination Act code for post-16 providers, but given that the Connexions service is being transferred to local education authorities without guaranteed ring-fencing, can the Government ensure that that will result in improved rather than reduced information, advice, guidance and support for young people over 16 with disabilities?

The Parliamentary Under-Secretary of State for Children, Schools and Families (Kevin Brennan): Yes. Our initial impact assessment is that the code has greatly influenced the quality of provision. It has raised the level of awareness required; it has also improved the sector's provision for young people with special educational needs, and the way in which it discharges its duties and responsibilities. Nevertheless, we realise that much remains to be done if we are to achieve the target of true equality.

Michael Gove (Surrey Heath) (Con): Last week, the Department gave the Association of Muslim Schools, a group of independent Islamic faith schools, a new right to establish its own separate inspection arrangements, and according to its own website, the association has also received £100,000 in Government funding. But the association's deputy chair, Mr. Ibrahim Hewitt, the head of the Al Aqsa school in Leicester, is on record as saying that

"the word integration doesn't even belong in a true democracy".

He has also called

"political zionism a threat to world peace",

and said of

"zionist confrol of the media"

that there is no smoke without fire. He has objected to Holocaust memorial day, and he is the UK chairman of Interpal, an organisation under investigation by the Charity Commission following a "Panorama" examination of its links with Hamas. Against that background, does the Secretary of State not think that we need to be more, rather than less, rigorous in policing the growth of separatist Islamism in education?

Ed Balls: Of course we do, and that is why the inspectorate the hon. Gentleman mentions will itself be inspected by Ofsted and come under the tough rules in the Bill now before the House. It is revealing that when we published our children's plan in December, the hon. Gentleman did not make a single reference to any of the issues raised in it, and also that, although he is now publishing his own children's plan, he does not raise the issue of children's policy in the House. That shows what his priorities are.

Michael Gove: I am disappointed by the Secretary of State's partisan tone on this serious issue. We have faced the problems that I have described before. The King Fahad academy, which the hon. Member for Liverpool, Riverside (Mrs. Ellman) referred to, has used textbooks that describe Christians and Jews as pigs and monkeys, and Ofsted has acknowledged that it did not study the details of all the textbooks concerned. Indeed, of 606 visits by inspectors to Muslim faith schools, only 94 have been made public. The Chairman of the Children, Schools and Families Committee has pointed out that we just do not know what is being taught in many Muslim schools. What steps will the Secretary of State take to ensure that we have proper inspections by independent figures who are fluent in the relevant languages and aware of the ideological challenge posed by separatist Islamism?

Ed Balls: That is what our legislation is doing, and the Ofsted oversight of all inspection is the right way to achieve it. We cannot have different rules for different schools; they must all come under one legislative framework. On the instances raised of particular problems in recent months, we have taken action, and so has Ofsted; where action needed to be taken, it was taken. That is what independent inspection is all about. As I have said, it is very revealing that on the day that the hon. Gentleman publishes a flimsy document on children's policy, he and his colleagues have made no reference to it whatever.

T5. [183672] **Mr. David Kidney** (Stafford) (Lab): What support does the Department provide for families when a baby is born, and what affordable plans does it have to continue such support in future?

The Minister for Children, Young People and Families (Beverley Hughes): What we are learning through the work that the Government are doing is that we cannot support the most disadvantaged mothers with a quick burst of support in the first week after a baby is born, as has been suggested today—particularly if we also cut maternity grants to pay for it. In contrast, the family nurse partnerships will start working with first-time mothers when they are pregnant and stay with them until the child is two years old, if necessary,

to make sure that the most disadvantaged children really do get the best possible start in life.

T6. [183673] **Andrew Selous** (South-West Bedfordshire) (Con): I have seen that the most successful primary school in the country requires its parents to read to children. I am the literacy governor of Studham lower school in my constituency. Does the Secretary of State think that giving home school contracts more strength might be part of how we could encourage that practice more widely?

Ed Balls: The most successful primary school in key stage 2 tests at age 11 is in Salford, and I visited it only two weeks ago. Its head teacher stresses the importance of every child being read to every day in school, and also the important role parents play in supporting their children's reading. That is why all Members should use this national year of reading to encourage all parents to read to their children from the earliest age. I do not necessarily think that that should be put in a contract; every parent should be doing it from birth. I want to encourage that to happen, but I am not sure whether legislating for it is the right way to achieve it.

T7. [183675] **Mr. Mark Harper** (Forest of Dean) (Con): The Secretary of State will know that in answer to the Select Committee's report on special educational needs, the Government said that they would set up an expert group under the chairmanship of Brian Lamb to look into increasing parental confidence in the system. Does that group have any timetable to come back to the Government with proposals, or is the commitment open-ended?

Ed Balls: We set out our intention to ask Brian Lamb, who, as the hon. Gentleman knows, is an acknowledged expert in this area, to examine the issues raised in the Select Committee report. We will publish written terms of reference and a timetable for his work in due course. We are doing this partly to examine best practice across the country, but also because experts on different sides of the debate have different views about the best way to approach statementing. We decided that rather than rushing to a conclusion, the right thing to do was to ask an expert to examine the matter. That is what we will do, and we will set the timetable in due course.

T8. [183676] **Mr. Andrew Robathan** (Blaby) (Con): May I take the Secretary of State back to employer-sponsored diplomas, which I am sure we all think are an interesting and valuable step forward? What genuine independent assessment will be made of such diplomas, so that McDonald's, or whoever is involved, will not be selecting students for our top universities—or, indeed, for Keble college, Oxford?

Ed Balls: The introduction of the McDonald's qualification has been widely welcomed; it has been welcomed not only by the hon. Member for Surrey Heath (Michael Gove) but by the CBI, which has said:

"Today marks a significant milestone on the road to reforming qualifications so that they better reflect the skills and competencies employers and employees need. Flybe, McDonald's and Network Rail deserve recognition for trail blazing this initiative and making it easier for companies wanting to follow in their footsteps."

The CBI is supporting us, as is the chairman of the Federation of Awarding Bodies. The independent standards regulator that we are setting up will ensure that higher standards are maintained and employers' needs are also met. It is the Labour party that will ensure that the training needs of employers continue to be met.

T9. [183677] **Dr. Ashok Kumar** (Middlesbrough, South and East Cleveland) (Lab): May I tell the Secretary of State that 3,395 children in Middlesbrough benefit from free nursery education? What sort of future support can he provide? May I also invite him to visit Middlesbrough to see this great success for himself?

Beverley Hughes: I thank my hon. Friend for that question, and for his support for the development of early years learning that the Government are putting in place. He will know that Middlesbrough is a pilot area for extending the free entitlement to two-year-olds. We can also expect the extension to 15 hours to take place there from September, as we progressively develop the support and the options available to parents of young children. I shall happily come to Middlesbrough to see what is going on there.

Speaker's Statement

3.32 pm

Mr. Speaker: The House will be aware that I made a statement on Thursday indicating that I had summoned an urgent meeting of the Members Estimate Committee for today. In the debate on the fourth report of the Committee on Standards and Privileges that afternoon, several Members expressed deep concerns about Members' allowances. Similar anxiety about the audit system has been relayed to me privately, and we must also take fully into account the public interest in transparency. At this afternoon's meeting of the Members Estimate Committee, we will be discussing urgently how to proceed on these matters. The subject of Members' allowances is something that the House itself must determine, but it is clear that the Committee must find an effective and acceptable solution as quickly as is practicable. It has always been my practice to inform Members first, so I shall be writing to every Member of the House following today's Committee meeting, announcing how the matter will be taken forward.

HMP Woodhill (Inquiry)

3.34 pm

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): With permission, Mr. Speaker, I should like to make a statement. As the House will be aware, there appeared in *The Sunday Times* yesterday allegations that conversations between my hon. Friend the Member for Tooting (Mr. Khan) and a constituent of his, Mr. Babar Ahmad, detained in prison on an extradition warrant, had been subject to covert recording when my hon. Friend visited Mr. Ahmad on two occasions in 2005 and 2006 at Her Majesty's prison Woodhill.

I was made aware of the burden of these allegations on Saturday afternoon. My right hon. Friend the Home Secretary and I discussed the matter and we agreed that an immediate inquiry should be established. In a statement to *The Sunday Times* issued on my behalf early on Saturday evening I announced this, and expressed my concerns about the allegations, if true.

It may assist the House if I now give some detail of the differing ways in which the statutory authorisation regimes for intercept, and for intrusive surveillance, operate. But just before I do so, let me underline the fact, drawn from my experience as a Minister directly involved in these matters over many years, that no authorisations are granted unless by law they are necessary for the detection or prevention of crime or the protection of national security or for related matters, and are proportionate, and unless the information concerned cannot be obtained by other means. Any authorisation for the interception of telephone calls and other public telecommunications requires a warrant personally signed by the relevant Secretary of State—usually the Home Secretary in respect of the police, Security Service and other domestic law enforcement agencies, and the Foreign Secretary in respect of the Secret Intelligence Service and GCHQ. Such a Secretary of State warrant is also required for surveillance operations—including eavesdropping—where sought by the three intelligence agencies. The telecommunications regime is overseen by the interception of communications commissioner—normally a retired member of the senior judiciary, currently Sir Paul Kennedy. This is laid down in the Regulation of Investigatory Powers Act 2000—known as RIPA. Surveillance under this regime is overseen by the intelligence services commissioner under the Intelligence Services Act 1994.

Under the 2000 Act, the regime in respect of intrusive surveillance operations by the police and other domestic law enforcement agencies is different. Under these provisions, which originated with the Police Act 1997, passed in the closing months of the previous Administration, with our support, there is a hierarchy of approvals depending on the nature of the surveillance concerned. In the case of eavesdropping operations, authorisation by a chief officer of police or officer of equivalent rank in the Metropolitan Police Service is required. This regime is supervised by the chief surveillance commissioner—currently Sir Christopher Rose, formerly a senior judge of the Court of Appeal. Ministers play no part in these authorisations.

Where any operation involves the use of premises of HM Prison Service, neither the Prison Service nor the Minister concerned is asked for any additional authorisation

[Mr. Jack Straw]

for the particular operation. What the Prison Service is asked for, on the basis of a brief summary, is permission to conduct the operation, and that judgment by the Prison Service is based on whether any order or control issues arise, not on the merits of the authorisation itself.

The story in *The Sunday Times* related to claims in respect of an alleged operation sought by and authorised by the police. It follows that this matter falls within the regime supervised by the chief surveillance commissioner. I can now announce to the House that, with the agreement of my right hon. Friend the Home Secretary, the chief surveillance commissioner, Sir Christopher Rose, has agreed to conduct an inquiry with the following terms of reference:

"To investigate the circumstances relating to the visits to Babar Ahmad at HMP Woodhill by Sadiq Khan MP in May 2005 and June 2006, to establish whether the visits were subject to any form of surveillance and if so by whose authority and with whose knowledge, and to report his findings to the Prime Minister, the Home Secretary and"

to me as

"the Justice Secretary."

The inquiry will of its nature be fact-finding. Sir Christopher has told me that his aim is to conduct the inquiry as quickly as possible, but consistent with the thoroughness required. He says that he will do his best to complete his task within two weeks. A further statement will be made to the House once we have received and have been able to consider his findings.

It may assist the House if I mention two other matters. The first is the Wilson doctrine. This, as the House knows, was originally promulgated by the then Prime Minister, the late Harold Wilson, in 1966, when he said that he had given instructions that there was to be no tapping of the telephones of Members of Parliament, and that if there were a development that required a change of policy he would, at such a moment as was compatible with the security of the country, make a statement about it. The terms of that statement have been endorsed by successive Prime Ministers, including by Tony Blair in a written ministerial statement to the House on 30 March 2006. In a written answer on 12 September 2007, my right hon. Friend the Prime Minister said:

"The Wilson Doctrine applies to all forms of interception that are subject to authorisation by Secretary of State warrant." [*Official Report*, 12 September 2007; Vol. 464, c. 2103W.]

Secondly, the question has been raised about interception of, or surveillance of, conversations with any person—whether a suspect, a convicted criminal or otherwise—by their legal adviser. Those are all subject to explicit safeguards which generally prohibit such interception or surveillance.

Mr. Speaker, I commend my statement to the House.

David Davis (Haltemprice and Howden) (Con): I thank the Justice Secretary for advance sight of the statement. Indeed, I thank him for coming to the House rapidly to make the statement. Today he has told us what should happen—not what did happen. He has confirmed that the Wilson doctrine remains in force and that there have been no changes in process or practice, given the duty under the doctrine to notify the House of any such changes. I think he also confirmed that the alleged action—if it happened—was in breach of the spirit of the doctrine. By now he should be able to answer the question: who authorised this? Was it a Minister? Was it a policeman? If a policeman, at what rank was it authorised? Is there any truth in the rumours that appear to have been briefed to Nick Robinson of the BBC at lunchtime today?

More generally, in what ways did the authorities fail to follow proper procedure? Were the breaches of the applicable protocol accidental, or a deliberate and pre-meditated short-circuiting of the system? In particular, was it known in advance that a Member of Parliament would be bugged, and if so, was an explicit decision made not to switch off the recording equipment? Was higher authorisation sought before making that decision?

Clearly, there will be lessons to learn from this case, but can the Justice Secretary tell the House what the current arrangements are for ensuring compliance with the rules for authorising such recording of communications with MPs? What failures in the monitoring and review procedure allowed recordings of a Member of the House—made, we understand, in 2005 and 2006—to go unchecked for, in some cases, two and a half years? Those are all things that the Justice Secretary should be able to tell the House today. Others will take longer.

The Government will need to establish whether this is an isolated case or whether other Members of Parliament have been bugged in the past. Everyone in the House understands and accepts the privileged nature of communications between a Member of Parliament and a constituent. Everyone, including the Prime Minister and the Justice Secretary, accepts the almost absolute nature of that privilege. I say "almost" absolute because the question arises: what would happen if a Member of Parliament became implicated in some way in actions or communications relating to a terrorist plot? The Wilson doctrine is silent on that.

The inquiry that the Justice Secretary proposes might consider that issue, and after it has concluded, the Prime Minister should consult the Leader of the Opposition and other Opposition parties and return to the House on the matter. Given the security interests involved, the discretion required and the importance of sustaining public and parliamentary confidence in the system in place, I welcome the proposed independent review, but I believe that as far as possible the full report should come to the House, not just to Ministers.

The case has exposed two very serious risks. The first is that it is possible for the Executive to ride roughshod over the relationship between a Member of Parliament and his constituents—a relationship that is the very basis of parliamentary democracy. Secondly, the necessary authorisations for secret anti-terrorist activity may be being ignored. Wilson himself recognised that there is a "delicate balance"—his words—between the needs of security and democracy. It is the duty of Government to find and maintain that balance—and it is the job of the Justice Secretary in the next two weeks to re-establish that balance.

Mr. Straw: I thank the right hon. Gentleman for the manner in which he has responded to my statement, particularly his welcome for the independent inquiry by an extremely distinguished and experienced former senior member of the Court of Appeal.

The right hon. Gentleman asks me a series of questions. I made it clear in my statement that the allegations relate to claims in respect of an alleged operation sought and authorised by the police, and I set out the nature of authorisations in respect of such intrusive operations, which come under that part of the 2000 Act. I also said that we do not know whether the allegations are true, but we do, however, know the nature of the allegations and what is alleged. In so far as there was an authorisation of anything in this area, no Minister plays any part in such authorisations. I repeat that for the avoidance of doubt.

As for the right hon. Gentleman's other specific questions, I hope that he will accept that although they are entirely legitimate questions, for certain, they are now properly questions for Sir Christopher Rose. He will conduct his inquiry thoroughly but swiftly. He has allowed me to say that he hopes to complete it within two weeks. That is a very acceptable time scale for the House. Of course we understand the public and parliamentary interest in this matter.

The right hon. Gentleman also refers to the Wilson doctrine. I spelt out the nature of that doctrine—and as for any implications for the Wilson doctrine, I think it best if we wait until we have the result of the inquiry by Sir Christopher Rose.

Keith Vaz (Leicester, East) (Lab): I join the shadow Home Secretary in thanking the Lord Chancellor for coming to the House to make the statement, and for launching the inquiry, which was his decision, with the Home Secretary, and was not done at the request of my hon. Friend the Member for Tooting (Mr. Khan). Will the Lord Chancellor say to Sir Christopher that if he wishes to make any recommendation concerning the Wilson doctrine it can be considered in the future, but that it is absolutely vital that he stick to the timetable of two weeks?

Mr. Straw: I thank my right hon. Friend for what he has said. On the time scale, I have already said that Sir Christopher will carry out the inquiry as quickly as possible, consistent with the thoroughness required. He hopes to be able to complete it within two weeks—I believe that he almost certainly will—but I hope that the House will accept that if there is a balance between speed and thoroughness, thoroughness must be the priority.

Mr. David Heath (Somerton and Frome) (LD): I am grateful to the Lord Chancellor for his statement. I welcome the inquiry that he has launched, and I hope that, unless the systems are entirely dysfunctional, the audit trail will be clear and unambiguous. Is it not the case that these events have added piquancy because they took place in one of Her Majesty's prisons, and because Mr. Babar Ahmad was held on an extradition request from the United States, under the US-UK extradition treaty, for alleged actions that may or may not have happened on British territory?

The Lord Chancellor has implied that the Wilson doctrine is to be upheld by the Government, and there are good reasons for doing that, but does he agree that there may be a need for a restatement of the doctrine, given the ambiguities in the current arrangements, in differing levels of warrantry for various intercepts, and the fact that the doctrine can be set aside, and that fact will not be announced if the Prime Minister feels that it is in the national interest not to announce it? Is there now a case—I think that this was proposed as long ago as 2003 by my right hon. Friend the Member for Berwick-upon-Tweed (Mr. Beith), the Chairman of the Justice Committee—for authorisation for all intercepts on Members of this House to be taken at a high level by an independent judicial authority, such as the Lord Chief Justice?

What specific actions have been taken since March 2006, when Sir Ian Blair admitted recording conversations with the then Attorney-General, Lord Goldsmith? Does the fact that protocols are apparently not understood by senior police officers not undermine the safeguards offered and enacted on the ever-expanding surveillance activity in this country, and underline the need for vigilance, which the House should exercise, in response to any further extension of intrusive surveillance powers?

Mr. Straw: On the issue of an audit trail, Sir Christopher Rose will obviously wish to examine that matter, and I do not want to anticipate his findings. The hon. Gentleman referred to the Wilson doctrine. I understand the point that he was making, but I repeat for the benefit of the House that if there are any implications for the Wilson doctrine, it is best that we wait until we have the result of the Rose inquiry.

The hon. Gentleman also referred to a recording—I think that this is a matter of fact—made by the Commissioner of Police of the Metropolis of one phone call with my right hon. and noble Friend Lord Goldsmith, who was Attorney-General at the time. That was an entirely separate matter, which as far as I know did not come under any of the regimes that we are discussing, because it was a recording made by one party to a telephone call of the other party's conversation. The commissioner has already explained what happened in that case.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): Woodhill prison is in my constituency, and many people who work there are my constituents. They do a job of great complexity, as the prison has a wide range of prisoners, including some who are high security risks. Will the Lord Chancellor assure me that the inquiry will be handled in such a way as to minimise any destabilisation of the work done by prison officers and staff during that period?

Mr. Straw: Yes is the answer to that question, and in answering it I pay tribute to the prison officers and other staff of all grades at Her Majesty's Prison, Woodhill, as well as those throughout the Prison Service, who are dedicated and professional and do an extremely difficult job very well indeed.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): The Justice Secretary said that the allegations first came to light on Saturday. This is Monday. Surely it is possible between Saturday and Monday to ascertain whether someone has been bugged, and what authorisation was given for the bugging. That is the general "bugging" question. Surely it is also possible to determine whether the bugging, if it did occur, took place in the presence of a Member of Parliament. I am

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concerned that we are drowning in inquiries on almost every subject under the sun, and I am concerned about the time that they take. Yet we are to have more inquiries, when here, technically, the question of what happened that Saturday is something that the right hon. Gentleman can answer.

Mr. Straw: I can answer about my own state of knowledge on Saturday afternoon, which I have already explained. I do not think that it is quite fair to suggest that my right hon. Friend the Home Secretary and I have not acted with speed. As soon as we understood the nature of the allegations, which was late Saturday afternoon, my right hon. Friend and I discussed the matter and agreed that an independent inquiry should be established. That was announced in a statement that evening to *The Sunday Times*. I suggest that we could not have acted with greater speed, and that the appropriate way to behave if one is setting up an inquiry is to ensure that it has proper terms of reference and that there is an individual who has accepted the invitation to run it, and then to make a statement to the House. It would have been impossible to make this statement any earlier than I have.

Dr. Gavin Strang (Edinburgh, East) (Lab): Does my right hon. Friend agree that there are circumstances in which the authorities can legitimately bug a detainee, and that such surveillance need not be suspended when the detainee meets a Member of Parliament? However, I put it to him that the Wilson doctrine, which has served this country well and which protects Members of Parliament from eavesdropping by the state, should not be eroded.

Mr. Straw: On my right hon. Friend's second point, there was wide approbation across the House when the then Prime Minister, Tony Blair, explained in a written ministerial statement in March 2006 that, notwithstanding proposals emanating from the interception of communications commissioner, he had come to the view, widely shared by all Members, that the Wilson doctrine should continue. As for the regime, the Regulation of Investigatory Powers Act 2000 lays down detailed regulations governing the use of those powers and the level at which they can be authorised, as well as proper oversight by commissioners who are always former senior members of the judiciary.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): It would seem as if something has happened that should not have happened, so there is a risk that other things that should not have happened might have happened. Can the terms of the inquiry be enlarged so that Sir Christopher Rose has an opportunity to identify whether, at Woodhill or anywhere else, conversations between prisoners on remand and their legal advisers have been recorded? If they have, not only is the integrity of the criminal justice system at risk, but individual convictions will be prejudiced and will probably have to be set aside. Sir Christopher would do well to examine, too, the question of whether private conversations with legal advisers have been recorded, whether at Woodhill or at other prisons.

Mr. Straw: The inquiry is specifically into the allegations that have been made in respect of our hon. Friend the Member for Tooting. I repeat to the right hon. and learned Gentleman and to the House that on the subject of legal professional privilege—in other words, conversations between any individual, whatever their circumstances, and their legal adviser—specific rules are laid down in codes of practice and in non-statutory form, which, as I said, generally prohibit not only the interception or surveillance of such conversations but any accidental recording that takes place thereafter. To my certain knowledge, as a former Home Secretary and Foreign Secretary, those rules are rigorously enforced, and there is a careful audit of all interceptions and the use of those powers by the relevant commissioners.

Andrew Mackinlay (Thurrock) (Lab): Is it not the case that Swinton Thomas wanted the Wilson doctrine to be abandoned, because he knew that it had been broken and flouted over many years? Is not the problem that the Wilson doctrine has no statutory basis whatever, so it should be put on such a basis? The Home Secretary in a statement admitted to, or referred to, Parliament's failure to have oversight of the security and intelligence services. When will the Government provide for Parliament to have oversight of those services, as is the case in all other leading parliamentary democracies? At present, the scrutineers are hand-picked by the Prime Minister. Unacceptable.

Mr. Straw: I know that that is my hon. Friend's consistent view. We have introduced for consultation the question whether the basis of the Intelligence and Security Committee should be changed, but I remind him that in any event, the basis of the ISC's authority is not a quixotic decision by the Prime Minister or by any of his predecessors, but a thorough decision made by the House and the other place in statute in the Intelligence Services Act 1994.

Sarah Teather (Brent, East) (LD): Hon. Members in all parts of the house sometimes deal with constituency cases that are highly sensitive. The Secretary of State will be aware, because he has met me on a number of occasions, that I represent two men who have been in Guantanamo Bay. Is he confident that the case that we are discussing is an isolated incident? Can he give any assurance to my constituents that their conversations with me remain confidential, and that they have not at any stage been overheard by the security services?

Mr. Straw: It is always a logical impossibility to prove a negative, but this is the first time that I can recall such an allegation being made. I repeat that the regime in respect of all those authorisations is an extremely careful and thorough one, laid down in law by the House and the other place in the very thorough 2000 Act. If any individual has any suspicion that there has been an unauthorised interception of their communications or surveillance of their activities, there are clear routes for making a complaint, including a complaint to the tribunal itself.

Frank Cook (Stockton, North) (Lab): If my right hon. Friend was unaware of the issue and the Prime Minister had no knowledge of it, may I ask my right

hon. Friend to assure the House that he will extend the inquiry's terms of reference to include how a prominent member of the Opposition Front-Bench team could claim that he had written a letter to the Prime Minister in December giving forewarning of the issue? Will that be part of the inquiry?

Mr. Straw: I shall certainly draw my hon. Friend's remarks to the attention of Sir Christopher Rose. I simply repeat what has already been said: the right hon. Member for Haltemprice and Howden (David Davis) has said and put on the record that he sent a particular letter, although the text of that letter makes no reference to the names of any individuals. The right hon. Gentleman has confirmed that.

It is also a matter of record that Downing street has checked all its files and records on the receipt of letters, and although there have been a number of communications from the right hon. Gentleman, this was certainly not one. I say on my behalf and that of my right hon. Friend the Home Secretary that we also knew nothing whatever of the letter until we were informed about it through the media by the right hon. Gentleman.

Pete Wishart (Perth and North Perthshire) (SNP): Can the Lord Chancellor confirm that Members of the Scottish Parliament and all the other devolved institutions are not covered by the Wilson doctrine? If that is the case, does he not believe that MSPs should be given the same protection as MPs when it comes to having their conversations bugged?

Mr. Straw: What the hon. Gentleman says is correct, and it is spelt out by Sir Swinton Thomas's report for 2005-06, in which he raises the question of whether the Wilson doctrine should be abandoned. Decisions about interception warrants in respect of police operations in Scotland are a matter not for any UK Secretary of State, but for the Scottish Executive.

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): The Lord Chancellor's statement appears to suggest that there is one regime for telephone tapping, another regime for bugging by policemen and another for bugging by members of the security services. When the inquiry is concluded, will he consider one protocol that covers all those circumstances in relation to Members of Parliament so that at the very least to bug or tap the telephone of an MP will require ministerial approval? In that way, our constituents—many of whom come to us as frightened, vulnerable or fearful individuals—could have some security that they were speaking to us in complete confidence.

Mr. Straw: As I pointed out in my statement, there are indeed three separate regimes: that is the position as the House and the other place accepted it for reasons that I could go into but will not detain the House on. As far as the implications for the Wilson doctrine are concerned, I think it best if we wait until the results of Sir Christopher Rose's inquiry.

Richard Ottaway (Croydon, South) (Con): Does the Secretary of State consider that the Wilson doctrine applies to Members of Parliament who have not taken the Oath?

Mr. Straw: The Wilson doctrine applies as stated.

Mr. Dennis Skinner (Bolsover) (Lab): I congratulate the Secretary of State on introducing this inquiry. Will he also do us—especially those of us in the focus group on this Bench—a favour? Will he extend the inquiry to beyond a fortnight? It will certainly need it if it looks into the allegations of MPs and trade union leaders being bugged in the strike of 1984 and 1985. That was when the Thatcher regime was in power. Despite all the protestations from many of us present in the House today, that regime would not have an inquiry—and we did not send one letter; we sent many scores of them.

Mr. Straw: This is a matter of history, because it is the first time that my hon. Friend has ever admitted to being a member of a focus group, although I have heard him on many occasions express opinions about them and say that he would never touch one with a bargepole.

I note what my hon. Friend has to say. I think that it is correct that the Interception of Communications Act 1984, the original statutory provision that laid down a proper statutory procedure for telephone intercept—not for other matters at that stage—probably did not come into force until quite late in that year. It was only introduced following an adverse decision in a case—the Malone case—in the European Court of Human Rights. Before that—it was a matter of considerable concern to many people, including me—the regime for telephone tapping was a non-statutory one operated in what we would now regard as unusual circumstances.

Dr. Julian Lewis (New Forest, East) (Con): Notwithstanding the brevity of the Lord Chancellor's answer to my hon. Friend the Member for Croydon, South (Richard Ottaway), will he expand a little on what the Wilson doctrine actually requires? It clearly requires that an MP should not be targeted for bugging or for telephone tapping. However, is it the case that if the security services are legitimately bugging or tapping the telephone of someone who is a legitimate target for them, the moment that person is found to be talking to a Member of Parliament, the bugging or telephone tapping has to cease, or is it allowed to continue because the MP himself or herself was not being targeted?

Mr. Straw: I am sorry to have to repeat what I said in my statement, but the terms of the Wilson doctrine are as laid down by the then Prime Minister, the late Harold Wilson, who said that he had given instructions that there was to be no tapping of the telephones of Members of Parliament and that if there were a development that required a change of policy, he would, at such a moment as was compatible with the security of the country, make a statement about it. That doctrine has been endorsed and repeated by successive Prime Ministers.

Mr. Jim Devine (Livingston) (Lab): Can my right hon. Friend reassure me and my constituents that there are no phones in this place or in our offices that are bugged and monitored by British security services?

Mr. Straw: Under the 2000 Act, as under its predecessors, it is not possible to give answers as to whether a warrant is currently in force. However—let me repeat what I have said before people's imaginations run away with them—the only circumstance in which a warrant for

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interception can be authorised personally by a Secretary of State is for reasons of national security or for the prevention or detection of crime or related matters, and only, too, where that is shown to be both necessary and proportionate and information cannot be gained by any other means. I also say to my hon. Friend that in my experience over nine years of having to sign warrants as Foreign Secretary and as Home Secretary, enormous care was taken by the requesting agencies and by the Departments concerned, and not only by me as Secretary of State but by my colleagues, to ensure that all aspects of the spirit as well as the letter of the law were observed before a warrant was signed.

David Howarth (Cambridge) (LD): I know that the Secretary of State does not want to talk about the consequences of this case for the Wilson doctrine, but could he at least put on record his support for the reasons behind the doctrine, which include the apprehension that surveillance on Members of Parliament could be used for political purposes, either for the purposes of the Ministers concerned or—this was Harold Wilson's own fear—for the political purposes of the security services and the police?

Mr. Straw: I am happy to do that, and I made my position very clear in my statement on Saturday. I could not have been clearer. I also say to the hon. Gentleman, touching on the point raised by my hon. Friend the Member for Bolsover (Mr. Skinner), that the situation that arose in the mid-1960s and continued for quite a period afterwards is very different from today's situation, and that of at least the past two decades.

I should also point out an error, for which I apologise. The Interception of Communications Act was passed in 1985, which makes my point more strongly. As we now know, in those days, there was quite widespread surveillance of individuals, to do with national security and the cold war, and related matters involving the trade unions. It would be impossible to say these days that such individuals would come within the narrow terms of the Regulation of Investigatory Powers Act 2000. Things have changed.

Rob Marris (Wolverhampton, South-West) (Lab): I thank my right hon. Friend for his prompt action and his statement. In reply to an earlier question, he confirmed that in certain circumstances, and subject to a code of conduct, communications between a prisoner and his or her lawyer could be eavesdropped on. Would he expand in a little more detail on why the rules should be different for Members of Parliament?

Mr. Straw: I said that they could not be eavesdropped on, with great respect. There are different rules for different categories of sensitive information. Some are to be found in the codes of conduct, which are laid down under subordinate powers of the 2000 Act, and others are to be found in statements to this House, including the Wilson doctrine.

Bill Wiggin (Leominster) (Con): Will the first question that Sir Christopher Rose asks be: "Was Mr. Babar Ahmad bugged, and if he was, who kept the records?" If it was the Home Office, why is the Home Secretary not doing this statement?

Mr. Straw: I am afraid that I cannot anticipate the first question that Sir Christopher Rose asks, and neither can anyone but he. As far as the matter of which Secretary of State should be making the statement is concerned, I am making it because the allegations relate to surveillance in one of Her Majesty's prisons, for which I am responsible.

Bob Spink (Castle Point) (Con): In view of public sensitivities and their disconnection from this Parliament, is it not time for the Home Secretary to ensure that an independent Law Officer, not a politician, makes the decision on intercepting the communications of MPs? Would it not be a good idea always to put national security and the fighting of major crime before our own sensitivities?

Mr. Straw: The hon. Gentleman's latter point was made by Sir Swinton Thomas. He made a case for removing the Wilson doctrine, but it was not accepted. As far as the different regimes are concerned, they have all been considered quite recently. On the latest occasion, between 1999 and 2000, they were considered in the Regulation of Investigatory Powers Act. The House accepted, without a great deal of argument, that there should be different regimes in respect of intercept, surveillance by intelligence and security agencies and surveillance by the police. Of course, in the future, it is open to any Government and to this House to review the way in which those regimes operate.

Mark Pritchard (The Wrekin) (Con): Will the Secretary of State give an undertaking to the House that part of the review will consider independent, third-party intelligence agencies from outside this country, and the relationship, if any, that they had with the original request for the intercepts?

Mr. Straw: I cannot give that explicit undertaking because the hon. Gentleman appears to suggest that he has knowledge which I do not have. I repeat that Sir Christopher's inquiry, within the terms of reference, will be as thorough as all of us who know him would expect and believe.

Mr. Peter Bone (Wellingborough) (Con): The Lord Chancellor has answered our questions carefully and fully, but will he tell me whether he is aware of any MP's conversations being intercepted during the past 10 years?

Mr. Straw: I apologise to the hon. Gentleman; I cannot answer that question because it would literally be a criminal offence to do so under the 2000 Act, which was passed by the Commons and the other place without argument. I cannot give any details of whether an individual is subject to interception.

Mr. Crispin Blunt (Reigate) (Con): If Members of Parliament are discovered by our security services to be under surveillance conducted by overseas intelligence services, is it the case that those Members are alerted—and if not, should it be?

Mr. Straw: That is a matter for further consideration. I take note of what the hon. Gentleman said.

Points of Order

4.14 pm

Mr. John Spellar (Warley) (Lab): On a point of order, Mr. Speaker. Have you received a request from the Leader of the Opposition to clarify his remarks during Prime Minister's questions last week, when he alleged that the previous Conservative Government had kept an individual—Mr. al-Qaradawi—out of the country, when in fact we know that he had been let in about half a dozen times? Have you received such a request, and if so, would you—

Mr. Speaker: Order. That is not a matter for the Chair.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): On a point of order, Mr. Speaker. You will be aware that on Thursday last week, during business questions, the right hon. Member for North-West Hampshire (Sir George Young), following a Liaison Committee meeting, mentioned the change that was proposed at extraordinarily short notice to the way in which this House scrutinises European legislation. You will also be aware that we are frequently criticised for the superficiality of the role that we play in scrutinising European legislation. I am therefore somewhat surprised to discover on the Order Paper for today not only that a timetable has been attached to that business, but that, despite the mollifying words of the Leader of the House on Thursday, it would appear that we are going ahead with no consultation with either the Liaison Committee or the Committee concerned.

Mr. Speaker: Is the hon. Lady referring to motion 4 on the Order Paper?

Mrs. Dunwoody: I am, Sir.

Mr. Speaker: The fact of the matter is that the hon. Lady can oppose the motion. If it is taken after 10 o'clock, it will be nod or nothing, but before 10 o'clock the hon. Lady could speak to it.

Mr. Peter Bone (Wellingborough) (Con): On a point of order, Mr. Speaker. Immediately after a statement, it is very useful for hon. Members to be given a copy of what the Minister has said. Unfortunately, the copy that I received today had the last part of the statement missing. Can that be looked into?

Mr. Speaker: It will be looked into.

Police Grant

4.16 pm

The Minister for Security, Counter-Terrorism, Crime and Policing (Mr. Tony McNulty): I beg to move,

That the Police Grant Report (England and Wales) 2008-09 (House of Commons Paper No. 265), which was laid before this House on 24th January, be approved.

The focus of today's debate will be the police funding settlement for 2008-09. However, I am pleased to tell the House that, in the context of a tight financial settlement, we have secured a good and affordable funding settlement for the police service for each of the next three years, building on considerable investment over a sustained period. The gradual move to three-year police funding settlements has been widely welcomed by the police and by police authorities and will enable them to plan more effectively and to think in the longer term.

Mr. Andrew Robathan (Blaby) (Con): Will the Minister give way?

Mr. McNulty: No, I will not. I want to put things into context and I shall then spend a not inconsiderable time giving way, because there are clear local interests. However, I would like to introduce the context first, if I may.

Government grant and central spending on services for the police will have increased by more than 60 per cent.—nearly £4 billion—between 1997-98 and 2010-11. That is a record of which we can be proud. Our investment over the past decade, as well as the significant investment from local taxpayers and the delivery by police forces and authorities of substantial increases in efficiency, has helped to expand local policing, reduce crime and make our communities safer.

Figures published on 24 January show that crime in England and Wales remains stable, according to the British crime survey, and that it has fallen by 9 per cent., according to the police recorded crime statistics. The risk of being a victim of crime, which is 23 per cent., has returned to its lowest level since the survey began in 1981. The police service has responded well to the many and varied demands placed on it. New challenges continue to arise and we must ensure that the service is in the best possible shape to meet them.

The House will know that we see Sir Ronnie Flanagan's review of policing as an opportunity for wider debate about how best we can consolidate and build on progress and achievements to date, support the police as they meet new challenges and make the most of their collective talents and resources. As part of that process of wider consultation and review, as well as responding to Sir Ronnie's findings and recommendations, we intend to publish a Green Paper in spring 2008. The purpose is to consult on wider proposals for strengthening the framework that enables and supports the police service and its partners to deliver effectively for the public in the years ahead.

Mr. Robathan: Let me take the Minister back to his comments about proposals being widely welcomed. I attended a meeting the Friday before last at Leicestershire constabulary headquarters. I believe that the Chairman of the Home Affairs Committee visited

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in the afternoon because there were two meetings. The police authority and the chief constable told us categorically that, far from welcoming the proposals, they were deeply worried about the cuts that they would have to make in, for example, child abuse investigations. There is already a near freeze on police recruitment. The crime situation in Leicester city is not a happy one and the police are worried that they will have to cut services protecting the public because of the grant. Will the Minister comment on that?

Mr. McNulty: I will. The broader context of the settlement has been welcomed. Some people believed that it would not be as generous as it has been. Chief Constable Matt Baggott and others in Leicestershire are doing a very good job. Casting even the remotest aspersions on them about what they may have to cut is unhelpful.

Mr. David Heath (Somerton and Frome) (LD): Forces such as Avon and Somerset are worried about the persistence of the damping mechanism, which means that we never catch up with the needs-based assessment. When will it be possible to fund police forces such as Avon and Somerset at the level that is required?

Mr. McNulty: Let me say, as gently as I can, that the hon. Gentleman's comments are rather churlish, given that the average increase this year was 2.7 per cent., the floor was set at 2.5 per cent. for those that would lose out from the formula, and Avon and Somerset received 3.5 per cent., putting it in the top category of authorities. However, I take the broader point, however churlishly put, that, having established a formula of need, the sooner we reach the new formula, the better. Having been static, with a narrow range between the ceiling and the floor, we were able this year at least to announce a settlement that had no ceiling. Some progress has therefore been made towards the formula and I hope that, in the coming years, it will continue, if not accelerate somewhat.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): I hope that my right hon. Friend will not accuse me of churlishness. As the recipient of a 2.5 per cent. increase, my county has been presented with enormous difficulty. We want to invest in policing. Is he determined to stick to the settlement? It will produce enormous stresses and strains in the policing system in Cheshire.

Mr. McNulty: I would never accuse my hon. Friend of being the least bit churlish. I hope that those matters will be explored further when, this Wednesday or Thursday, I meet the chair and chief constable of Cheshire to discuss their specific problems in much more detail. I hope that they will elaborate on their plans. However, the settlement is broadly welcome.

Several hon. Members *rose—*

Mr. McNulty: I balked at allowing hon. Members to intervene straight away because I knew from the last couple of debates on the subject that they naturally wish to consider their own areas. I fully understand that. I got a little way ahead.

Mark Pritchard (The Wrekin) (Con) *rose—*

Mr. McNulty: I said at the start that, given the localised nature of the debate, I wished to be as generous as possible to Back Benchers, and I will be. *[Interruption.]* I was last year, as the hon. Member for Bury St. Edmunds (Mr. Ruffley) reminds me. However, it is also my role to get a bit of the context on the record. I will be generous.

Keith Vaz (Leicester, East) (Lab): The response of the chief constable of Leicestershire was that he welcomed the settlement, but he rightly emphasised that he needed more to fulfil Leicestershire's ambitious plans.

I want to ask my right hon. Friend about Kent and the letter that he may have received from Mike Fuller, the chief constable. Has that letter had any impact on decisions that the Home Office may need to make about funding formulae? I refer to migration, which Mike Fuller mentioned.

Mr. McNulty: The straightforward answer to my right hon. Friend is no, in the context of the three-year horizon projected by the settlement. Kent and other forces have raised similar matters—Julie Spence, the chief constable of Cambridgeshire, raised the same issue as Mike Fuller in Kent—that, to be fair, do not necessarily go to the notion of migration and criminality being linked. However, there are genuine concerns about increasing levels of population and about how the Government formula allocations can be quite tardy in picking them up. There are discussions across Government about the matter, not least those with my right hon. and hon. Friends in the Department for Communities and Local Government about growth areas, the sustainable communities plan and all those directions, although they have not directly impacted upon the issue that my right hon. Friend raised.

David Howarth (Cambridge) (LD): Precisely on that point, the problem in Cambridgeshire seems to be the delay. Did I understand the Minister to say that there was no prospect of the demographic gap being filled in the next three years? If so, the situation in Cambridgeshire will become intolerable.

Mr. McNulty: No, that would be—if I can bore people—a rather churlish interpretation of what I said. What we are talking about most directly is the immediate settlement for the forthcoming year, 2008-09. We have said in the broadest terms, to help rather than hinder police authorities, that there is also an indicative three-year settlement, and so have announced what they are likely to get over the subsequent two years. If work on demographic change, particularly sharp demographic change, such as that which I mentioned in response to my right hon. Friend the Member for Leicester, East (Keith Vaz), or other such items intervened in that process and if we got broad agreement after consultation on changing things in that direction, clearly that change could be forthcoming over the next couple of years. I am therefore not saying, "This is three years—all shut. Go away, we're not having a police grant debate over the next two years, because it's all settled."

Mr. James Paice (South-East Cambridgeshire) (Con): I am grateful to the Minister for giving way because I, too, want to discuss Cambridgeshire. He has rightly referred to Chief Constable Julie Spence's remarks about the high levels of immigration into the county. That has nothing to do with suggesting that immigrants are all criminals, as the Minister accepts, but refers to the fact that the cost of dealing with a crime involving immigrants is much higher, in terms of police time and cash to pay interpreters. It was recently announced that some 600 arrests of Lithuanians were made in the county last year, almost all of which involved much more time and cost than would have applied had they been native English speakers. When those representing the Cambridgeshire police authority come to speak to the Minister, as I know they will in two days' time, will he be able to reassure them that the demographics and the problems of immigration will be addressed before the three-year programme is firmly entrenched? Planning for three years is better than planning for one year, but not if it enshrines a permanent inadequacy in funding levels.

Mr. McNulty: I take the hon. Gentleman's point, although I cannot give him a complete assurance in that regard, because he is asking me, two days after I announced the numbers for this year and, potentially, for the subsequent two years, again to inject a note of caution or potential change. However, such discussions are taking place across Government, which I hope will feed into the process over the next three years. The hon. Gentleman makes some fair points about population change, but he will know too that we try to use absolutely the latest population data and trend data.

However, there is a view that says that whether we are talking about inward or outward migration—migration within country or from outside country—large shifts in population over short periods have significant ramifications for policing. In part, we keep up with that. The notion that we do not keep up in total, either in terms of police resource allocation or more generally, is a fair point that we should consider. I do not have the immediate answer to that over the three-year horizon, but I take the point and shall say that in terms to Julia and her colleagues when I see them on Wednesday.

Mark Pritchard *rose*

Mr. McNulty: The hon. Gentleman has moved places, but I give way.

Mark Pritchard: The Minister was trying to avoid me. However, I am grateful to him for giving way, and I know that he will want to give an accurate and generous response, rather than a churlish one, given our Harrow days together. Is he aware of the great concern in Shropshire about the Government's failure to realise that our rural counties face many challenges? Of course there are urban areas in the county too, but many villages are affected by rising crime, so I wonder whether the Government have been urban-centric in their funding settlement.

Mr. McNulty: No, I do not think that I accept that. I should point out to the House that the hon. Gentleman referred to our Harrow days because we happened to serve on Harrow council together. It had nothing to do with my schooling. I am sure that no one was in any doubt about that, but I just wanted to make it clear.

The hon. Gentleman will know that policing in Shropshire is first and foremost a matter for the West Mercia police force. I know that West Mercia takes its rural policing responsibilities as seriously as it does its policing of urban areas. As fairly recent events have shown, rural areas and smaller towns in areas such as Shropshire are not immune from serious and violent crime. I shall certainly pass his comments on to the chief constable and the police authority. He will also know, however, that there has been an increase of about 56 per cent. in the budget for the area during the past 10 years.

As I tried to say at the beginning of my speech, I am not saying that everything in the garden is rosy, or that, even after 10 years of investment, everyone has more than sufficient money to use as they choose. I am not saying that at all. As Policing Minister, I would always like to be able to afford to give more money from the centre. I am also keenly aware, however, that there has been a significant increase during the past 10 years, not just in the money from the centre but in the money collected locally. I think that people appreciate that and understand it in terms of policing in their areas.

There are existing pressures on the police and, yes, there is a tightening of the resource base, secured both locally and nationally. On top of all that, everything changes. That is all part of the fascination and fun, if you like, of the world of policing. Policing is now palpably different from how it was five years ago, let alone 10 or 20 years ago, and it has to rush to keep up with the changes in the wider society. We need to prepare the police for that, from a sound and level resource base. Members have raised certain key issues with me, however, and I certainly do not deny them.

Mr. Roger Williams (Brecon and Radnorshire) (LD): It would be churlish of me not to recognise the changes that the Government have made to the rural policing grant as a result of the lobbying of the Minister's Department. Police forces such as Dyfed-Powys are well advanced in areas such as the civilianisation of the custody service, and they have already made savings in that way. They are therefore finding it more and more difficult to make further savings. Will the Minister give some recognition to those forces that have made a great deal of progress and that are now finding it difficult to make further savings?

Mr. McNulty: I accept the hon. Gentleman's point. Equally, I recognise that the sum of all the changes that many forces have made in their own areas is far greater than what each individual force has done. I shall rephrase that, because it has confused me. While Dyfed-Powys has made significant advances in some areas, it has not done some of the things that other forces have done to accrue savings or efficiencies. We need to see more of the kind of progress that we are making through the Quest programme and the work force modernisation programme, which have in part been very successful in terms of the all-Wales solution to protective services. When those efficiencies and

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savings are accrued, part of my job is to ensure that they are not all gobbled back up by the centre. I think that all 43 forces would agree that that is the case, above and beyond what is laid out in the settlement in regard to cashable efficiencies and others. I take the hon. Gentleman's point, however.

We made quite a serious mistake throughout the debate on mergers—which we were halfway through when I took over this role—when we assumed that we were at ground zero and that there had not been any real degree of collaboration or significant cross-force work in the past. There had been, and that should have been recognised. We have now made significant gains in regard to protective services, to the advantage of all the forces and the communities that they serve, since the mergers debate, and since what people are now calling my Valentine's letter—it was sent on about 14 February 2007—which set out a quite elaborate way of moving forward.

That is a good example of how forces need to make progress in so many different areas as they deal with new challenges, such as the developments in population, while ensuring the efficiency of their core business and also that more areas than in the past go down the civilianised route or share more roles with other public service elements rather than be carried out exclusively by warranted officers. Those are fair points.

Mr. Mark Harper (Forest of Dean) (Con): Until a few moments ago, the Minister was joined on the Front Bench by the Minister for Local Government, who has responsibility for flood recovery. The Minister will know that, last year, Tim Brain, the chief constable of Gloucestershire, was the very successful gold commander during the severe flooding incident. Even if the police authority puts up our local council tax by the highest amount it can without being capped—4.9 per cent.—it is faced with the prospect of losing 200 officers or 200 staff in the constabulary. That is a real tragedy for my constituents and others elsewhere in Gloucestershire. How does the Minister justify the excellent service of last year being rewarded by such savage cuts in manpower?

Mr. McNulty: In the first instance, that is a matter, as I say, for Tim Brain, but I fully and wholeheartedly endorse what the hon. Gentleman said. I have written to Chief Constable Brain and spoken to him directly about the excellent job he did as gold commander in dealing with the flooding. We were in different places but shared some close to sleepless nights as things developed in one way or another—*[Interruption.]* I said in different places. He did a fine and superb job in what he would be the first to note, as he looks down his list of responsibilities, is not really a policing responsibility at all. Funding is partly dealt with through what I think is called the Bellwin scheme—the hon. Gentleman rightly pointed to the Minister with responsibility for flooding, who was in his place a few moments ago. As I have said to Gloucestershire and other authorities, if they need to talk to us more directly about funding in that or any other regard, I welcome the prospect of seeing them, as I do all authorities at this time of year. I believe I have seen four or five this week, that I saw four or five last week and that I will have the great pleasure of seeing others next week. I hope that these meetings are not an opportunity for the usual shroud waving or shaking a bucket, but about seriously looking into taking full account of the peculiar circumstances of particular police forces. In that context, I would be pleased to see Gloucestershire or other authorities.

Now I have to hum a little tune while I work through my speech, work out what I have already said and what still needs to be said. It is right that there has been an average increase of 2.7 per cent. and a floor of 2.5 per cent. That is part of Gloucester's difficulties with formula allocation, which was raised earlier, as it is stuck in that position. As I said last year and will again, in the mid-term rather than the immediate horizon for this settlement and the next two years, there should be scope for debating police funding.

Whatever the outcome—I said the same last year—the wide spread of the local precept cannot be right. From memory, I think it goes from something like £88 a year in Northumbria, which makes a contribution of barely 20 per cent. to the overall police budget—I do not challenge that; it is just the way history has made it—up to more than £255 for the Metropolitan police and others in the south-east. In the case of Surrey, nearly 50 per cent. of the local police budget comes from the local contribution. These are or should be—with substantive local and distinct concerns—broadly universal services. Core policing business, for want of a better phrase, should be roughly the same, whether we are talking about Cambridgeshire, Gloucestershire, Kent or Northumbria. I say that without providing any straightforward answer to the problem of the balance between local and national funding, as I do not have a plan for instant reform of the precept and council tax system in my back pocket. I do say that, collectively, and hopefully on a cross-party basis, we can turn our minds to examining the longer-term financing of policing, which is usually regarded as a universal service.

Mr. Paice: What the Minister has just said sounds perfectly reasonable and most people would support it, but he said the same a year ago. What has happened since then? Has there been any progress?

Mr. McNulty: There has been some progress in the subterranean channels, but none in any public sense. The core of this three-year settlement—certainly the settlement for the forthcoming year—is rooted in the system that currently prevails. I should be happy to talk to the hon. Gentleman's Front-Bench colleagues, and to anyone else who is interested in an exercise that may reach a degree of fruition.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): It is just possible that the hon. Member for South-East Cambridgeshire (Mr. Paice) was a bit unfair on the Minister. The Minister's predecessor also said what he said a moment ago.

I welcome what the Minister is saying, and hope that we can all engage in the task that he is describing. Numerous things need to be put right fairly quickly, and we have an opportunity to ensure that that happens.

Mr. McNulty: To be absolutely fair, and at the risk of sounding pedantic, I should tell the hon. Gentleman that my predecessor probably did not say what I said, because he was in his post for 10 days. His predecessor almost certainly did say it, and I suspect that it was said by predecessors going way back into the mists of time. However, the point remains germane. It is right and proper for the distribution of resources to local government to be aligned with the distribution of resources to the police for historic reasons, but it should not be beyond the wit of the House to come up with alternatives on a cross-party basis. Michael Lyons examined the whole issue of council tax for some time and tippy-toed in the direction of the police tax base, but did no more than that. It was not really part of his brief. None the less, I think that, even a year on, this is a debate that we should have.

Mr. Crispin Blunt (Reigate) (Con): The Minister used Surrey as an extreme example of local funding replacing national funding. I will attempt to make that point in more detail later if I am lucky enough to catch your eye, Mr. Deputy Speaker, but will the Minister acknowledge that there is a very special problem in Surrey because of the peculiarities of the funding formula?

Mr. McNulty: The hon. Gentleman may be putting words into my mouth. I did not say that local funding was replacing central funding. What I said was that Surrey benefited from the highest local contribution. The central contribution has not diminished at Surrey's expense; it is just that, during the past 10 years, the local contribution has climbed higher than the central contribution.

Mr. Blunt: I am sure that the Minister would not wish inadvertently to mislead the public or anyone else. The fact is that the real total Home Office grant in Surrey fell in 2005-06. It is now narrowly above the 1997-98 level in cash terms, but there has been a real-terms cut of approximately 25 per cent.

Mr. McNulty: I am not being pedantic when I say that that is simply not the case. The increase in total Government grants of some £39.5 million—50 per cent., or 14 per cent. in real terms—between 1997-98 and 2008-09 is a fact.

Mr. Blunt: On a point of order, Mr. Deputy Speaker. The Minister is in danger of misleading the House. I have the facts, in the form of a parliamentary answer given by the Home Secretary on 1 December 2005.

Mr. Deputy Speaker (Sir Michael Lord): That is not a point of order for the Chair. Statistics can vary in all sorts of ways. It is a matter for the debate in which we are engaged.

Robert Key (Salisbury) (Con) *rose—*

Mr. McNulty: May I finish what I was saying before the point of order? The increase of £23.6 million—25 per cent., or 0.4 per cent. in real terms—between 2001 and 2008-09 shows clearly that Surrey has benefited collectively during the past 10 years. I accept that the process may have slowed down, but it does not constitute a significant cut in real terms. However, that takes us away from the point, which I agree with, that the contribution from the local base is significantly higher than for any other force in the country. The proportion in the last round, that for 2007-08, was 46.1 per cent. compared with the Northumbria contribution of 11 per cent.—rather than 18 per cent. which I think I said earlier, in which case I did inadvertently mislead the House in that regard. Notwithstanding what the points of the hon. Member for Reigate (Mr. Blunt) might be—I have not heard them yet, but I suspect that they will be perfectly valid—I was simply trying to get across my point about there being such disparities in terms of what should be, at core, a universal service. There should be some local variation—some scope for local flexibility—but a range of between 11 and 46 per cent. cannot in any logical sense be right.

Such disparities are rooted in a host of reasons such as history, the options various forces made when there was no capping regime, and what the original base budgets were. It will take time to get to a stage where that can be resolved, because it will invariably require either giving more money to one force and taking it off another or allowing some to go in one direction locally and others not. However, I repeat that the time for debate is upon us—if not a year late.

Robert Key: May I draw the Minister's attention to a particular problem that has arisen in Wiltshire? When I saw the proposed settlement I knew it was going to be tough, but on 26 January an MOD Minister wrote to tell me that the MOD police complement on Salisbury plain would be cut by four fifths and that the slack would be taken up by the Wiltshire constabulary. Yet no additional resources have been provided for that very substantial cut in MOD police cover. Will the Minister take a look at that and see if he can make an adjustment?

Mr. McNulty: I have already looked at that and I am assured by both MODP and some of the local forces involved—although not Wiltshire in this instance—that policing remains covered sufficiently by the civilian force, but I am more than happy to look into that again. The last time I did so in any detail, that was on behalf of the less than churlish hon. Member for Colchester (Bob Russell), who has experienced not dissimilar circumstances in that MODP numbers had fallen a bit in the garrison town he represents, and he wanted to know about the impact on the Essex police force. I do not encourage the hon. Member for Salisbury (Robert Key) to do this, but he might like to speak to the hon. Member for Colchester and also get a few other Members who represent garrison towns together, and if they then wanted to explore such matters further with me, I should be more than happy to consider doing so.

I think—*[Interruption.]* Even more clarity on Surrey's funding has floated up to me from below. Apparently, the figures on its funding are distorted by what happened in 2001-02, when Surrey's general grant fell by 4.1 per cent. because of changes between the Metropolitan police service and Surrey boundaries. I do not, however, think that that goes to the broad point of the hon. Member for Reigate that things have slowed for Surrey in comparison with others over the

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latter end of that 10-year period—which I agree with, and I am sure he will elaborate on those points when he makes his contribution.

Some of the main points made by Members go to the heart of one of the original questions, which was about the formula. I am happy that we have been able to move, even in this year's tight circumstances, at least a little way towards the formula, but that implies winners and losers, and that is our difficulty.

Kerry McCarthy (Bristol, East) (Lab): Considerable concern has been expressed in the local media about Avon and Somerset losing out because the formula has not been applied for the last few years. Will the Minister confirm that, as a result of moving towards the formula, Avon and Somerset will get an above-average increase in the coming financial year?

Mr. McNulty: Absolutely, and I am very happy to do so. We spoke earlier about Avon and Somerset, and with 3.5 per cent. it is doing considerably better than the floor of 2.5 per cent. or the average of 2.7 per cent. Notwithstanding that, I take on board the point of my hon. Friend and other Members—not least those who represent constituencies in the Bristol area—that still more might be done to move towards that formula more readily than we have done thus far. That would help me, not least in the sense of notional gainers and losers. We must consider what would have happened if we had not moved towards the formula, where in reality forces are not gainers or losers per se, unless they are judged against the absolute instant implementation of the formula. Given the way these things work, that was never going to happen all at once.

I am mindful that having taken a range of interventions, my speech has taken a good deal of time. I know that this debate is very important for hon. Members, who want to get their local points across, so I shall bring my remarks to a conclusion when I find an appropriate place in this telephone book of a speech to do so. However, may I just make two points in conclusion?

Given that we have sought deliberately again to maximise the increase in general grant next year and we have ensured that all police authorities have received a guaranteed minimum increase in grant of 2.5 per cent, and given the delivery of efficiency gains, prudent budgeting and our making full use of available funding flexibilities—I was going to tell the House about those, but they will have to wait for another time—we believe there is no reason for excessive increases in the police precept on council tax. As I have suggested, much good work is being done across the police service. In pursuing the new efficiency and productivity strategies, we must foster that good practice, disseminate it across the whole service and drive forward dynamically. I am always impressed by the drive for improvement and progress in all 43 authorities and forces, and I know that they operate in a dynamic environment that simply does not stand still and allow them to catch up or draw breath.

As I have also said, we have had extensive deliberations with a range of key authorities and police. In fact, anyone who has wanted to come to see me has done so or is planning to do so over the coming weeks. We have listened carefully to stakeholders in determining the detail of this funding settlement, and I think we have got the balance right in distributing the available resources. The settlement will support the police service in meeting the challenges that lie ahead, it will help the police to deliver effectively for the public and it will protect our communities, so I commend the police grant report to the House.

4.52 pm

Mr. David Ruffley (Bury St. Edmunds) (Con): In opening for the Conservatives, may I congratulate the Minister on taking quite a lot of interventions on the settlements for specific police areas for the second year running? I should also flag up his comment at the end of his speech that he would be happy to receive representations from individual Members who have issues about how the formula might be working.

This debate is vital to the public. All of us would accept that the fear of crime in this country is too high; the Home Secretary bravely acknowledged that when she questioned how safe it was to walk alone at night. Violent crime has doubled in the past 10 years; gun crime has increased—last year, a gun crime was committed every hour in England and Wales; gun-related violence has increased fourfold in the past 10 years; and knife crime has doubled in the past two years. That is not to say that crime has increased in every category over the past decade, but violent crime and the other crimes that I have listed have, and that causes the public concern. They want to know what police funding is in place to meet that challenge.

This year's settlement is part of a three-year spending settlement, coinciding with the comprehensive spending review 2007, which extends the spending horizon until 2011. Apart from additional funding specifically for counter-terrorism, the police settlement reflects the overall spending provision for the Home Office. On that basis, we face no increase in real terms. The 2.7 per cent. grant increase for 2008-09 is to be read with similar increases for the following two years.

It would be futile to deny that the Minister and I would agree on the importance of efficiency and productivity improvements in the police service. Compared with 2007-08, police authorities will be expected to deliver 9.3 per cent. cashable increases in efficiency and productivity by the end of 2010-11. That needs to be flagged up when considering the headline nominal figures for cash increases that are before us today.

The settlement for the Home Office is very tight, and the Government have been forced to be so strict mainly because of a macro-economic problem—the borrowing problem—that the country faces. In March 2006, the Treasury said that it would need to borrow some £30 billion in 2007-08. In March 2007, that estimate was inflated to £35 billion, and last October it increased again to £38 billion. The Institute for Fiscal Studies tells us that the Government will borrow £42 billion this year.

The Government have run out of money. They have spent too much in the good years and were not prudent. The police authorities are now feeling the

pinch as a result. The average increase of 2.7 per cent., in the words of the Association of Police Authorities, represents the "tightest police settlement" for many years. To give an example from the north-west, the chairman of the Lancashire police authority, Malcolm Doherty, has said:

"The demands on policing are increasing, and even with efficiency savings and other grants, we are still left with a challenging financial position."

For other parts of the country, "challenging" is not the word. In December, Surrey police force took the decision to drop one of its divisions, going down from four to three, because of its budget shortfall and budget constraints. Chief Constable Bob Quick, with whom I have had the pleasure of speaking at length, wrote in the *Police Review*:

"We are being forced into making these difficult decisions because of our crippling funding situation, which has steadily weakened over the last six years in spite of saving £49 million over the past nine years through efficiency measures."

He added:

"This is unlikely to be the only tough decision we will have to make—we are exploring other measures in order to continue to make budget savings in both the short and long-term."

That is an example of a successful police force, according to the performance and assessment framework measures. It came top of the league table last autumn. In addition, it has an excellent record of delivering great efficiency savings, which will have delighted the Minister of State. It is a forward-thinking police force, but even the chief constable who has done all the work in delivering high standards and reducing costs says that he is down to the bone. That poses some questions as to how the national formula is operating in the real world.

Mr. Blunt: My hon. Friend has properly given the example of Surrey. Is he aware that the chief constable has written to the Minister? His letter begins:

"I am writing in unprecedented terms to express my professional concerns about the risks to public safety of people in Surrey over the next three to five years, if our funding position is not resolved urgently."

Mr. Ruffley: I am delighted that the chief constable is writing to the Minister and I think that I know enough about the Minister to know that he will listen and take representations seriously. I urge him to focus on the Surrey example because there are other police forces—I shall not name them—which may not deliver as well as they could. If the criticism that there was not enough money were coming from them, one might be somewhat sceptical of their requests for more money, but I cite Surrey because it has done so well with efficiency savings and performance. I shall not labour that point any further, as my hon. Friend and I have both flagged up the Surrey example.

We accept that the distribution of the grant and the implementation of the funding formula are, as the Minister rightly observed, work in progress. The way that settlements will operate this year, with the floor and ceilings, means that 18 forces will receive the minimum increase of 2.5 per cent.—average 2.7 per cent.—but only one will receive the maximum of 4 per cent. That is only one of the 43 forces.

The joint Association of Police Authorities and Association of Chief Police Officers expenditure forecasting group, in a submission to the 2007 CSR, said that there would be a substantial funding gap at that level of grant increase—this year's amount—and for the two subsequent years. On the group's most optimistic assumptions, the funding gap by the end of the CSR period—2010-11—would be in the region of £660 million. Using slightly less optimistic assumptions, the group calculates that the gap would be £996 million—just shy of £1 billion. It is worth noting that both sets of calculations by that authoritative group assume that police authorities will increase the police precept on council tax up to the maximum of 5 per cent. a year, although of course some of them might not want to go that far.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): The phrase "funding gap" is wonderfully bland. Perhaps my hon. Friend would care to remind the House that police authorities are under a statutory duty to produce a balanced budget. They cannot operate on deficits; they must so adjust the provision of resources as to bring about a balanced budget.

Mr. Ruffley: As usual, my right hon. and learned Friend makes an elegant and trenchant point and I hope that the Minister will be able to answer the conundrum he poses—perhaps by straying into the area of how capping will operate. I know that one or two authorities want to bust the 5 per cent. limit. To meet my right hon. and learned Friend's point, what will happen about the need to observe the statutory duty? I am sure that the Minister will want to answer that point.

As we all agree, greater efficiency is vital if better policing is to be delivered, but I want to explore the question of the doubling of the annual cashable efficiency savings from 1.5 per cent. to about 3 per cent. That is how we arrive at the figure of just over 9 per cent. cashable savings over the CSR period. Since the current efficiency targets were introduced in 1999 the police service has made a lot of progress in meeting them. It has taken up the challenge. Over the period 1999 to 2005, for instance, when the annual efficiency target was about 2 per cent., police authorities achieved average efficiency savings of about 2.7 per cent a year, but the point about jacking up the cashable savings to 9 per cent. over three years is that much of the easy, low-hanging fruit has already been plucked; the opportunities for cashing heroic efficiency savings of 3 per cent. or more each year diminish over time. It is also the case, as has been pointed out to me many times by people who come to see me, that the efficiency savings in earlier years were often re-allocated to improve front-line services, but that is likely to be less easy with future efficiency savings, which will have to fund the base, because policing demands are growing at a fair old rate. Everyone agrees that they are growing by more than 2.7 per cent. a year.

If those tight targets are to be met on the efficiency side, will the Minister share with us what he thinks some of the consequences may be? The first will be of immediate interest to every member of the public listening to the debate—I am sure they are watching in droves: does the Minister accept that there are likely to be fewer officers on our streets as a result of this year's

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settlement? The chairman of Cheshire police authority has warned that officers will be pulled off the streets to perform administrative duties unless more funding is found. He set out that case in December 2007, in *Jane's Police Review*.

More recently—last week, in fact—the latest police strength figures came out from the Government, and they show a decline in the number of officers from 140,038 in September 2006 to 139,710 in September 2007. I ask the Minister a simple question: does he believe that that trend will continue, as a result of the settlement? The question relating to police on the streets is, to many people, a simplistic one, but it is the one that most of our constituents ask.

Last year and this year, the Minister acknowledged how the national formula was working in a slow and evolutionary way. However, last year more than this year, he acknowledged that its operation was palpably unfair to certain parts of the country. I should like to give an example relating to the east midlands police authorities—Nottinghamshire, Derbyshire, Leicestershire, Lincolnshire and Northamptonshire—whose representatives came to visit me to raise some of their specific concerns about what they consider to be a growing funding gap. Following the settlement, their funding gap amounts to about £47 million, and like the ACPO and APA estimates that I referred to earlier, they assume a precept increase of the full 5 per cent. If the precept were to increase by less than that—for example, by 4 per cent.—they calculate that that would increase the funding gap to more than £60 million, up from £47 million, over the CSR years.

It has been pointed out to me—I am sure that this argument could be adduced for other parts of the country—that the east midlands region is one of the two fastest growing regions nationally, with its population growing by 0.8 per cent. per annum and changing population demographics, including, but not limited to, the increase in migrant workers from EU states, which is greatly adding to the complexity of policing there.

In respect of my own neck of the woods in the eastern region, the chief constable of Cambridgeshire made some important points along those lines—as, indeed, has the chief constable of Kent, Mike Fuller. They have made representations about the grant allocation to the effect that perhaps not the most up-to-date population data are being used and that, as a result, they are not receiving the appropriate funding. It would take the Minister too long to deal with every police authority, but I wonder what his view is of the east midlands case.

The settlement must also address some issues that cause concern, particularly when we hear them from those on the front line—we are not talking about think-tanks or one-off examples from constituents. I should like to know how the Minister thinks that this year's settlement will address the point made by the Police Federation, which last November issued a study on the number of detectives in this country and calculated that there were about 2,000 vacant detective posts. That is particularly important at a time when, as I said in my earlier remarks, violent crime has doubled in the past 10 years, knife crime has doubled in the past two years, gun crime has doubled in the past four years and there are unhappy data on robberies and murders. There are fewer detectives to deal with those crimes.

I wonder whether the Minister can give us an assessment of the recruitment and retention problems that force some officers to rely on trainees and unqualified officers in criminal intelligence departments. There are reports that inexperienced officers are investigating for the first time serious offences, such as stranger rapes, with little or no supervision and that the remaining detectives have to carry huge case loads and continue investigations, while still being expected to respond to the next major incident. Of course, target-driven detection is still occurring, with targets being met by reclassifying offences or encouraging the public to drop complaints—something that officers simply do not want to do, but that is what the Police Federation tells us.

In previous debates on this subject, the issue of police community support officers has been raised. The Minister and I agree that PCSOs are important to the proper implementation of neighbourhood policing, a policy that we support, but the number of PCSOs promised in 2005—24,000—has been reduced to 16,000 nationally. In 2005-06, £91 million was provided to help with the recruitment of PCSOs. It would be useful to know what he thinks the effect of the settlement will be on PCSO funding, and what he anticipates it will do to the number of PCSOs in the next year. We stress that PCSOs play an important role in making neighbourhood policing work, and it would be useful to know the resource implications for them.

In relation to the police precept, we know that in 1997, some 85 per cent. of police forces' gross revenue was financed through central Government. In 2006-07, the latest year for which we have figures, the proportion was expected to fall to 60 per cent. The amount of police spending financed through the council tax precept has doubled in real terms between 2001 and 2006-07; in short, council tax now accounts through the precept for one fifth of police force expenditure, compared with one eighth in 2001. Ministers have claimed over the years to be almost personally responsible for the growth since 1996 in the number of additional officers, but as we face higher precepts next year, now is probably the time for the Government to give credit to council tax payers across this country, who have certainly done their part to fund extra recruitment.

I have a question about the police precept for the Minister; it bears on a policy on which I think he and I agree. In order to deliver efficiencies, which will be needed if the current settlement is to be implemented in a sensible fashion, some forces want to embark on voluntary merger, including two forces in East Anglia that I know have been in touch with him as well as with me. They say that they simply cannot go ahead with the voluntary merger that will deliver efficiencies without precept equalisation or reconsideration of the precept regime. Can he tell us anything about precept equalisation that might give encouragement for the next three years to those forces that want to merge voluntarily? That is at the heart of the efficiencies that he and I both seek.

This debate could not pass without some reference to police pay, not least because the police authorities, which are obviously the main customers concerned in

today's announcement, were somewhat foxed by the Home Secretary's decision, in a departure from the arbitration ruling, not to give the 2.5 per cent. but to stage the award so that it will be 1.9 per cent. this year. It has an impact on how police authorities plan in-year for delivery of police services. The APA has pointed out on many occasions its extreme disappointment that the Home Secretary did not implement the 2.5 per cent. award. It says:

"Most police authorities had already got this money in their budgets, and the Home Secretary has prevented us from paying it. The decision does not help the financial position going forward since, as indicated above, the full 2.5 per cent. will be in base budgets for next year. The APA believe that the Home Secretary's decision is ill-advised...creating unnecessary industrial strife and jeopardises future work on modernising the police work force."

It would be useful if the Minister could remind us of the argument for not paying the 2.5 per cent. when the police authorities had already budgeted for it.

Anne Milton (Guildford) (Con): Will my hon. Friend join me in sympathising with many of the residents of Surrey, which he mentioned? We have policemen who are unpaid and unhappy and council tax payers who have to bail out the police because they are not getting fair funding from the Government, yet nearly half the crime in Surrey is committed by people who do not even live there.

Mr. Eric Martlew (Carlisle) (Lab): They can't afford to live there.

Mr. Ruffley: May I point out to the hon. Gentleman that Surrey faces challenges, just as anywhere else does, and the Minister drew attention to that, both in last year's debate and since then? I reiterate that Surrey is an example of a force that works hard to find efficiency savings, and my hon. Friend the Member for Guildford (Anne Milton) will agree that we must get away from the notion of stereotypical leafy suburbs in the home counties that have fewer problems with drugs, violence and sexual offences than other parts of the country.

Anne Milton: I thank my hon. Friend for his generosity in giving way a second time. As he suggested, the notion that Surrey is a leafy suburb where nobody commits any crime is ignorant in the extreme. In fact, a huge amount of crime goes on behind closed doors—I do not have the figures to hand—including domestic violence and drugs crime in particular. The trafficking and movement of drugs is a major issue for Surrey police.

Mr. Ruffley: My hon. Friend makes an excellent point, underscoring the fact that it is not right that parts of the country that are considered leafy suburbs should be cheerfully told, "You must make do, and receive less money per capita." That is not an acceptable argument. It is not acceptable to me, and it is certainly not acceptable to my hon. Friend and her colleagues in Surrey.

I should like to draw my remarks to a close by referring to something that we shall be discussing much more in the House from next Thursday—the need to reduce police bureaucracy, which is at the heart of any tight police settlement. I hope that the Minister would agree that when we talk about efficiency, we must consider how we can help the police—and I mean the whole police family, not just serving police officers—to do their jobs without so much interference. It is not just a question of spending a shed-load of money on IT. If it was simply a question of getting the police back on the beat by spending more money on IT, successive Governments might have done so, but there is no big bang approach on IT. It is worth making a salutary observation: the police service, in the six months in which I have been Opposition spokesman and done red-tape exercises in different police stations on different crimes up and down the country, say that politicians have been talking the rhetoric of cutting red tape for decades. I do not think that is just the past 10 years, although certainly in that period claims have been made about reducing police bureaucracy. If the Government had been successful in the past 10 years, the right hon. Member for Airdrie and Shotts (John Reid), the previous Home Secretary, would not have commissioned Sir Ronnie Flanagan, over a year ago, to conduct an independent review of the way in which the police operate. We look forward to publication of that review later this week.

At the heart of the review is the paperwork problem and the risk aversion that accompanies it, covering risk in paper. Before we get carried away with delivering more efficiencies, we must remember that the talk has not been delivered on in the past 10 years. In 2002, the right hon. Member for Sheffield, Brightside (Mr. Blunkett), the then Home Secretary, promised a "bonfire of the paperwork", alleging that 90,000 hours a year could be saved. The Home Office Policing Bureaucracy Taskforce published a report with 52 major change proposals, which I have read several times. Much of it is quite sensible, but the problem is that there has been no follow-up audit to work out how many recommendations have been implemented and to what effect.

Mr. Hogg: My hon. Friend is entirely right to challenge the overregulation of bureaucracy in the police service, but will he keep in mind the fact that power, once given to officers, is often abused? I have practised at the criminal Bar for 40 years, and I can remember police interviews in which police officers frequently verballed defendants. The requirement that all police interviews should be tape recorded is an enormously important safeguard, and we need to remember that there is a possibility of abuse.

Mr. Ruffley: I take my right hon. and learned Friend's point, which I have debated with the Minister. We would be at one on something as major as the tape recording of suspects' interviews; I hasten to add that that was introduced by a Conservative Administration in the 1980s. I do not think that any Member on either side suggests that safeguards of such importance and magnitude should be tinkered with. The only way in which the Minister would tinker would have my support. A few days ago, he announced a pilot in Lancashire to see whether the clumsiness involved in bagging up cassettes, labelling the bags and all the associated paraphernalia could be avoided and whether the service could be better delivered by digitised recordings. As the Minister knows, I support that pilot.

[Mr. Ruffley]

I want to return to the fact that good intentions—and we have had 10 years of them—are not enough; I hasten to add that before 1997 there were good intentions about cutting paperwork. The 2002 promise from the then Home Secretary has not been delivered on. In 2004, a White Paper was produced.

Mr. McNulty *rose—*

Mr. Ruffley: If the Minister must intervene, I shall give way.

Mr. McNulty: I did not want to lose the hon. Gentleman's point. He is perfectly right that the Police and Criminal Evidence Act 1984 has stood the test of time very well; that is emerging from the review that we are in the middle of. Apart from changes in respect of the pilot that he mentioned, we will be very cautious about making changes to the 1984 Act, not least because of the points that he made. I am sorry to have cut across him; I just wanted to put on the record the fact that PACE has stood the test of time.

Mr. Ruffley: I am grateful to the Minister.

The 2004 White Paper promised to free up the equivalent of 12,000 extra police officers for front-line policing by 2008 and claimed at the time that 7,700 forms had already been made obsolete across 43 forces. By last year, that claim had grown: it was said that nearly 9,000 forms had been cut. The problem is that Ministers will not list the forms; we have asked them to put such a list in the Library. My sense of the situation must logically be right—if Ministers know that 9,000 forms have been cut, they must know their names; if they know those, they can publish and release them. I urge the Minister to do that.

What I have asked for is not only demanded by politicians; the Police Federation pointed out that the Home Office has provided it no information about what the forms were or how frequently officers used them. We are not talking about any old form—we want the most frequently used forms to be cut, not only the forms that might be used once every two years. The Police Federation has not received any information on those allegedly abolished forms or on how long each form took to fill in and thus it does not know the average time saved as a result of the alleged cutting of the forms. We have asked for the information on a cross-party basis. If we know what the Government think they have cut from the police force case load, that will assist our work on red tape.

The Minister is keen to talk about a cross-party dialogue—not all the time, but quite a lot of it—and we are happy to enter into that, depending on the subject. What I have just mentioned should not really be a party political issue. The police are crying out for a reduction—but not in all paperwork. Sir Ronnie Flanagan famously said that police paperwork is a bit like cholesterol; there is good and bad cholesterol. In respect of the point made by my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg), I should say that an example of good cholesterol would be the PACE codes and legislation requiring proper tape recordings of what witnesses say. However, there is a lot of bad cholesterol—useless paperwork—as well.

In conclusion, the time that all police officers spend on incident-related paperwork increased from 10.3 per cent. in 2004-05 to 11.4 per cent. in 2006-07. As a result, the percentage of time spent on patrol fell from 14.2 per cent. in 2003-04 to 13.6 per cent. in 2006-07. Those are the most recent trends, and they show that the police are spending more time on paperwork and less time on patrol. For too much of the time, our police officers are form-fillers rather than the crime-fighters that they wish to be.

We know that we have to cut our cloth as a result of this tight settlement, but these efficiencies must be driven forward at the level of the bureaucracy and in other arenas. Activity-based costings are very important, but I will not detain the House with the arcane parts of that aspect. If the Minister is so committed to cutting paperwork, why did he tell me last week in a written answer that the Home Office post of national bureaucracy adviser, which was set up to slash police red tape, has been vacant since April 2006? No one has been doing that job for 18 months. I know that the Minister and his Home Office officials try hard to improve the efficiency of the service, but we have to go back to basics. Unless we can get improvements not only in the amount of paperwork that the police are subject to but in the efficiency of the processes, this police settlement will not be delivered, and we will not have the policing that this country so desperately deserves.

5.25 pm

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): Some time ago, it was suggested that Cheshire and Liverpool should amalgamate their police forces. Oddly enough, that decision did not meet with the unalloyed admiration of the citizens of Cheshire. Indeed, their representations were so effective that the plan was abandoned. That area was then the responsibility of the then Home Office Minister who is now Secretary of State for Communities and Local Government.

This three-year settlement may turn out to make that not only a pyrrhic victory, but one of gigantic proportions, for the citizens of my constituency. It will penalise Cheshire in no uncertain terms, and I want to make it clear why that is a matter of concern to me. The general public do not understand the relationship between the finances of central Government and local government. They are more inclined to believe people who say, "We want to dilute our powers from central Government and give them back to the people who are nearest to their constituents. We want local government to take many of the decisions that will affect the policing of the streets and the general level of protection that people have in their town centres and homes." Therefore, they do not always understand why decisions taken at central Government level seem in some manner not to chime with the decision to send those powers, and the finance needed to maintain those police forces, back to the areas in which they are so desperately needed.

Cheshire will suffer enormously under this settlement. I have in the past made it an important aspect of my debates with local government elected

officials to ask them why Cheshire has not, for a very long time, had a much higher police precept. It is essential not to cut at local authority level the money available, but to demand further amounts and make it clear to the population why those sums of money are necessary.

Most people who live in certain areas of Crewe or in the centre of Nantwich, and who are there on a Friday or Saturday night, do not have difficulty in understanding the connection between money and police officers on the beat. Most people who find themselves, as the neighbours around my office building did after a recent weekend, surrounded by a sea of broken glass and having been submitted over a long period to real social disorder, have no problem understanding why we need police officers; indeed, they want to see many more. The burden of their complaint is frequently that no matter how much money is presented to them annually in the figures in their rates returns, those officers are not there on the beat. They are told clearly how much the police force costs them, but nevertheless, when they look for the neighbourhood policing about which they have heard so much, they find that it is somehow not there. Yet we are told that for the Cheshire police authority, the response to the Government's provisional funding allocations for 2008-09 to 2010-11 will mean that the grant settlement of 2.5 per cent. will only just cover inflation, and unless there are other settlements, it will result in the loss of 80 police officers from the front line. That is a massive, and quite unacceptable, cut.

The police authority has not suddenly come across this state of affairs; it has made representations over a long period, saying that it would be facing a large funding gap of nearly £6 million even if it were just going to stand still—in other words, to overcome reliance on reducing reserves to support level 2 operational demands in the current year, to maintain its commitment to, and public support for, neighbourhood policing, and to support further efficiency. The authority is also aware that it is facing a double whammy. Not only does it not have a suitable settlement to enable it to improve and increase the amount of policing that my constituents can call upon, but it will be threatened with a cap if, for any reason, it succeeds in raising more money than Her Majesty's Government find acceptable.

However, in the name of transparency, of which more anon, the Government have chosen to produce a grant formula that, frankly, is no clearer, and is in some ways more obfuscatory, than the ones we used to have. The method does not simplify the system, which was the reason behind its introduction, and it contains elements of notional levels of spend and tax-base calculations. For example, let us consider the formula issues raised with regard to Cheshire police authority. Why is the net relative needs/resource amount per head of population £3.53 in Cheshire and £10.26 in Avon and Somerset? We suffer equally badly when it comes to resource equalisation: 73.9 per cent. of the needs amount is deducted, on the assumption that Cheshire has a richer council tax base.

Let us be clear about this. The Home Office is demonstrating a Janus-like ability to say to Cheshire on the one hand, "You're really just an adjunct of Liverpool and Manchester, so you must be reorganised so as to enable you to organise your affairs through a greater relationship with the city regions," while on the other hand it is saying, "But you have a much higher tax base." It is essential to look at the number of band D properties; we will then discover that council tax income is the third lowest in the country. Is it assumed that our council tax is higher, or is it simply assumed that Cheshire can be exempted from all the arrangements made in relation to other areas? In the past, Cheshire was given an area cost adjustment, along with London and the south-east counties, which recognised higher labour and living costs, but the average is now very low, and no longer of any benefit.

A completely essential, but somehow ignored element of policing in Cheshire is the development of attacks by organised crime. The cities that we are told are the drivers of affairs in our area are very good at disgorging their criminal elements on to the motorway and into our county, not least because the more efficient the policing is in the centres of cities, the more the instinct will be to develop organised crime elsewhere, where policing is perceived not to be of the same standard. We therefore require a much more expensive and intensive policing system.

Cheshire has always taken a proactive stance against serious crime. We recently brought to justice in our area a criminal with repeated attempted murder and firearms offences after four other forces had failed to do so. That effort alone involved 90 witnesses and cost £200,000. However, no part of Her Majesty's Government is prepared to accept the cost to Cheshire of those direct attacks from the Liverpool and Manchester areas.

Now we have a potential further constraint through capping. It is essential to understand that the missing £9.7 million needed to plug the funding gap will be obvious when we look to the provision of front-line services. The majority of ratepayers in Cheshire are more than prepared to pay a proper rate for policing services. They understand that their enjoyment of their homes and the calm in which they can use the services of their towns and cities depend on the provision of policemen on the beat. That is not an abstract theory, but a demonstration of practical understanding of the pressures on those areas. So far, however, we have been unprepared or unwilling to accept the absolute cost of the formulae to constituencies such as mine and counties such as Cheshire.

Many of the formulae were developed in the name of transparency. The Department is good at saying how much it cares and how much it wishes to respond to the interest of individual taxpayers and ratepayers. The Secretary of State for Communities and Local Government has made some engaging speeches about the need to respond. She says, for example, that wherever there is a petition containing more than 250 names, she will take note of the content of the petition. I do not know how she reconciles that with the fact that the 10 Downing street website now has a petition with more than 400 signatures that objects to the division of Cheshire into two bits—but I suppose we all have to have our little inconsistencies from time to time.

When the Minister replies, will he give me one simple bit of information? The division introducing unwanted new local authorities has been imposed by the Department on the basis that it will not only improve

[Mrs. Gwyneth Dunwoody]

the facilities but will be much cheaper and more efficient, and will roll us forward to a fantastically bright future. Cheshire county council made a freedom of information request to ask why there was a direct and clear difference between the figures originally given to the county council by the Department and those that were published subsequently: why was no FOI request accepted?

If the report asked for by Paul Rowsell, to get an independent assessment by the Institute of Public Finance of the costs of reorganisation, was so strongly supportive of the Department's attitude, why are we not allowed to read it? If someone had said what a good job I had done, I would have thought that it might be a good idea to make that public. Indeed, I might seek to give it to everybody who inquired—but somehow or other, we are told, that is not the case.

The draft Cheshire (Structural Changes) Order was laid before Parliament on 31 October, and will create two new authorities with, we were told, annual savings of £16 million and transitional costs of £25 million. Those numbers cannot be recognised from the original proposal to create two new authorities, which said that the ongoing savings would be £30 million with transitional costs of £16.6 million. In effect, the Government are saying that they do not accept the district figures. To put it another way, the headline transitional costs have increased by 50 per cent., the headline savings have reduced by 50 per cent. and the payback period has doubled to almost four years.

Before the Department takes even more money away from Cheshire ratepayers and before it is prepared to accept that we will lose 80 officers on the front line, whatever its decisions are, it should think seriously about how it intends to justify those policies. It may find that rather more difficult than it seems to anticipate.

5.40 pm

Chris Huhne (Eastleigh) (LD): I am delighted, as always, to follow the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), who spoke a great deal of sense, drawing on the experience of Cheshire. She anticipated some of my remarks. I note that in a recent MORI opinion poll conducted in that county, 87 per cent. of people said that they were willing to pay more for the police. However, there are substantial difficulties in doing that, given the nature of the settlement and the capping of the council tax. If we consider the difficulties that the police in Cheshire have faced in several high-profile recent cases, such as that of the terrible murder of Garry Newlove, we can sympathise with the hon. Lady's remarks.

I agree with the attack that the hon. Member for Bury St. Edmunds (Mr. Ruffley) made on the Government. Clearly, there is serious concern among the public about crime. There is excessive violent crime, which has doubled since the Government came to power. The deterrent effect is, crucially, composed of not merely the severity of the penalty but the likelihood of detection. That is why the police service is so crucial in the fight against crime, and why the dangers of demoralising it seem considerable in the wake of the decision to phase the police pay settlement.

Several observers have pointed out that we are considering the tightest police grant settlement for a decade, at 2.7 per cent. As the Association of Police Authorities and the Association of Chief Police Officers pointed out in their joint budget exercise, even if full use is made of the leeway allowed on council tax, there is a danger of a shortfall of £1 billion by 2011.

The stress points are already clear. They appear, first, in the Government's announcement. The flatness of the settlements to so many police authorities tells us that the sum that the Government can use to make genuine progress in closing the gap for individual police authorities with their needs-based formula is limited. Several hon. Members have outlined the problems that are likely to arise from that. Nearly half the police authorities will effectively get the floor increase, which is evidence that there is not enough money in the settlement to make genuine progress towards closing the gap in authorities such as Avon and Somerset, and Cheshire.

Tom Brake (Carshalton and Wallington) (LD): Does my hon. Friend agree that because the budgets are so tight, if something external to the police, such as, for example, the closure of the local magistrates court—in my area, that would be Sutton magistrates court—occurred, the knock-on effect of the additional police time taken to go elsewhere would mean that the police could not cope with such external events, over which they have no control?

Chris Huhne: My hon. Friend makes a good point about one of the pressures on the budgets.

Another example of stress appears in the figures. External provision for the police amounted to 85 per cent. of gross revenue expenditure in 1996-97, but is now projected to be down to 61 per cent. That represents an extraordinary drop and an extraordinary increase in the amount of funding expected from the council tax payer, particularly when one bears in mind what an incredibly rotten tax the council tax is, how regressive it is and how unfortunate a burden it imposes on those who are least able to pay, and whose households are under considerable financial stress.

There is also clear evidence of stress in the Home Office's handling of its own budget over the past year, such as the sudden announcement in the middle of the year that the previously agreed level of funding for police community support officers would be cut. All those factors combine with the pressures from pay and general inflation to bear down on a budget that will clearly be inadequate for the demands put on it in the year ahead.

We know that about 80 per cent. of police costs are staff related. If we are looking, as the Government are, for a more than 9 per cent. efficiency gain, all of which is meant to be turned into cash over the three years of the comprehensive spending review, it seems likely that we will be looking at job losses. It would be honest of the Minister to give us any projections that the Home Office has made of the likely sacrifice, in terms of both the police and their support staff, if the efficiency gains are insisted upon, given the extraordinary proportion of staff costs.

What is the way out? Clearly efficiency is one way.

Mr. Hogg: I entirely agree that efficiency is one of the ways forward, but the hon. Gentleman should also keep in mind the fact that any staff wastage or loss will almost certainly be associated with redundancy payments. That, too, bears down on the police budget.

Chris Huhne: The right hon. and learned Gentleman makes a good point. In the police service, although less so in the service staff, the capacity to lose people through natural wastage, as the unfortunate euphemism goes, is extremely limited. We might well be looking at redundancy payments, therefore, which would further increase the pressures on already stretched budgets.

IT has a cost, too. The introduction of IT is devoutly to be wished—I am sure that nobody in the House wants the police to be involved in any unnecessary avoidable paperwork. The capacity of IT to reduce that paperwork is important, but that comes at a cost, particularly given the Government's track record on IT projects and overruns. Another important element, which we are beginning to see in the Metropolitan police area, is the provision of figures at a low local level—at ward level, rather than at basic command unit level. That will allow us to burrow into truly effective local command units and spread best practice, and that has to be good, too.

David Taylor (North-West Leicestershire) (Lab/Co-op): The hon. Gentleman talks about IT project failures, which have been legion over 20 years or more, but we are not really talking about the type of project with the capacity to improve data collection in the police service and thereby reduce forms; rather, we are talking about the introduction of hand-held computer devices and things of that kind. That is not the type of project that has typically caused such angst, overruns or excessive costs. Does he recognise and accept that?

Chris Huhne: I certainly hope that the hon. Gentleman is right to think that there will perhaps be fewer overruns on such a project. However, I do not share his confidence, having tabled a number of written questions to different Departments a few years ago, when there were overruns with IT projects almost regardless of the type, and particularly with networked IT projects. Although the proposal is for hand-held devices, they still have to be connected to a network, the software has to be compatible and a large number of external consultants have to be paid. For some reason, there seems to be a serious problem with the ability of the Government—not just this Government; the hon. Gentleman was right to point out that this has been a long-standing problem—to handle IT projects and bring them in on time and to budget.

Tom Brake: Does my hon. Friend agree that when budgets are tight, even if the IT projects are successful there is a risk that the training budget associated with training people to use the IT systems will be cut, so that officers often cannot make effective use of them? That point was put to me by a police officer on the march a few days ago.

Chris Huhne: My hon. Friend makes a good point; I am happy to agree with him.

It is also crucial that the Government begin to think about the big picture with regard to improving police efficiency. One way of doing that would be to reduce the demands imposed on the police by an entirely legislation-happy Home Office. Since 1997 it has introduced 3,400 new criminal offences for which the police are expected to bring prosecutions. That is extraordinary, because the vast bulk of the crimes that our people are concerned about are those that have been an offence in this country for as long as anyone in this House has been alive, and probably a good deal longer. Simplifying the legislation and reducing the demands on the police are thoroughly desirable objectives, about which we have not yet heard enough from the Government.

The House will not be surprised to hear that we believe that savings could be made on the Government's identity cards project. Those savings should instead be put into visible front-line policing to reassure our communities. We now know from the safer neighbourhood teams in London that that is a successful way of reducing crime.

We believe that the settlement is eye-wateringly tight, and that it will lead many police authorities and police forces into making wholly unacceptable decisions on job cuts, such as those described by the hon. Member for Crewe and Nantwich. I understand that the Cheshire constabulary has already reduced its head count in the past year. For precisely those reasons, we shall protest against the settlement in the only way we can—by voting against it. We shall do so not because we think that it is not providing enough money, but because we think that the police deserve more.

5.52 pm

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): I should like to begin by offering the House an apology, because what I am going to say will be of particular interest to the people of Lincolnshire and of perhaps rather less interest to other right hon. and hon. Members. In that respect, I shall be following the hon. Member for Crewe and Nantwich (Mrs. Dunwoody). An excuse—if we need one—is that this is one of the few occasions on which we can articulate on the Floor of the House the problems that face our own police forces. So I apologise to the House, but I am going to speak primarily about the difficulties being faced in Lincolnshire.

I acknowledge that the Minister for Security, Counter-Terrorism, Crime and Policing has been good enough to see me on at least one occasion to discuss the problems of Lincolnshire. I also know that he is seeing the chairman of the Lincolnshire police authority on 7 February, and I think that the chief constable is going to be there at the same time. He has also seen members of the police authority on previous occasions, as have his officials. He will be aware that the Lincolnshire police have produced a financial recovery report, which they submitted to the Home Office last year, and I am sure that it has been the subject of considerable study in his Department. I therefore acknowledge that he has considered—although perhaps not addressed—the problems that Lincolnshire faces.

I should like briefly to summarise the issues that the Lincolnshire force is facing. First, it has the lowest funding of any force in England and Wales. The next

[Mr. Douglas Hogg]

lowest funded force gets £11 million more. Secondly, as I said in an intervention on my hon. Friend the Member for Bury St. Edmunds (Mr. Ruffley), the police authorities are under a statutory duty to produce a balanced budget. They do not have the legal right to operate at a deficit. That is important, because, unlike most authorities, they have to adjust their spending to reflect their revenue stream. They cannot resort to borrowing; they have to bring about economies.

In the absence of additional funding for the Lincolnshire force, there will be a deficit of £7 million in 2008, of £12 million in 2009 and of £14 million in 2010. Such figures would not be huge in the context of the metropolitan forces, but they are very considerable in the context of the Lincolnshire force. The hon. Member for Eastleigh (Chris Huhne) fairly pointed out that about 80 per cent. of the costs incurred by police authorities were staffing costs. In the case of Lincolnshire, the figure is nearer to 85 per cent., and if we want to bring about a reduction in costs, we inevitably have to look at staffing levels.

There are only two groups of people in a police force: the police officers and the civilian staff. Police officers are Crown servants, and cannot be made redundant. The force can be reduced through wastage or by voluntary resignation, but not by sacking. Consequently, if staffing levels are to be reduced, the non-police-officer content has to be considered. That has at least two consequences. First, there will be heavy redundancy costs which will have to be incorporated into the spending plan in any budget. Secondly, any cuts in the civilian staff will result in many of those posts being filled by police officers who could otherwise be out on duty. I am not for a moment saying that we cannot bring about efficiencies through a reduction in staff. That might be possible, and the use of information technology is a way forward. We must bear in mind, however, that there are immediate and serious funding problems associated with such decisions and that, in any event, many of the holes would have to be plugged by serving officers.

Mr. Heath: The right hon. and learned Gentleman should make no apology for talking about Lincolnshire. That is what these debates are for. Will he address another significant funding issue? He has concentrated on the question of revenue expenditure, but there is an equal—if not even more worrying—squeeze on capital expenditure, which will prevent forces from taking the very steps towards improved efficiency that could mitigate the effects of a tight revenue budget.

Mr. Hogg: The hon. Gentleman is right. Such measures would, for example, constrain the ability of any police force to introduce new IT provision, because that comes largely out of capital expenditure. Alternatively, a force might find that it had to cut back on its building programme. The hon. Gentleman is quite right to raise that serious issue.

I should like to put a bit of flesh on the generalities that I have outlined. If we wished to achieve the savings in Lincolnshire that will be required in 2010-11, we would have to find a saving of more than 200 officers. In fact—if I can read my writing—the figure would be 275, which is one quarter of the total force. Alternatively, if we were to concentrate exclusively on civilian employees, their number would have to be reduced in that year by 364. Those are substantial numbers.

I want to turn now to the grant itself. I am sorry that the Minister for Security, Counter-Terrorism, Crime and Policing is no longer in his place, although I appreciate that it is not possible to be here at all times. On the face of it, the grant of 3.1 per cent. to the Lincolnshire force is not out of line with the grants that have been made to other forces. It suffers from two problems, however. First, it ignores the fact that the Lincolnshire force is the lowest funded force in England and Wales by at least £11 million, as I have already mentioned. Secondly, it ignores another critical point, which is that, in 2007-08, there was a special one-off £3.4 million grant. If that is taken into account as it should be, we see not an increase of 3.1 per cent. but a decrease of 1.9 per cent., or £1.37 million—and those are all significant figures.

Let me next address the question of what can be done about the problem, given the realities of life. There are only three sources of finance available to the police service. One is central Government funding through the grant; the second is special one-off grants; and the third is the precept. I shall speak briefly on each of those sources.

On the formula that produces the annual grant, ever since I have been a Member of Parliament, from 1979, rural forces have faced particular problems because of their sparsity—and in forces such as Lincolnshire, there is a particular and perverse difficulty. We are very sparsely populated as a county, but there are no large spaces of emptiness. In North Yorkshire or Cumbria, for example, there are large areas of emptiness, where there is nobody around—and very nice it is too, I might add—but in Lincolnshire that is not the case. It is a very large county, but all of it is populated. There are small settlements, separated by a few miles, which may well be true of other constituencies. That makes for a special problem when it comes to policing, but that particular problem associated with sparsity is not taken into account at all in the formula. I would like to see the formula looked into again in that light. I have been calling for that for nearly 30 years, but it has not been a successful call, so I am not unduly optimistic now. On behalf of forces such as Lincolnshire, I say that it is imperative that the formula be looked at again. One has to ask whether that is going to happen in the next two weeks, and the answer is obviously no.

The next aspect is ad hoc funding of a yearly kind. I acknowledge that the Government produced a one-off payment of £3.4 million last year and I would obviously like to see another substantial payment come through this year. However, there is an important difficulty in that, if structural problems are funded by way of annual one-off payments, that fails to deal with the underlying structural difficulty itself. There is, perversely, the additional problem of disenabling police authorities from long-term thinking, as they will not know what their revenue stream will be. It is difficult to take strategic decisions about the force or any police operations without knowing the amount of long-term structural funding. Although I would welcome an

additional one-off grant, either the same or larger than last year's, I do not regard it as a solution to the long-term structural problems that I have identified.

That brings me to the precept, which is a real problem. There is no doubt that the Lincolnshire police authority is going to come forward with a very substantial increase in the precept. However, precepts are subject to capping and, even worse in one sense, this will be deeply resented by the council tax payer. Council tax payers will say with considerable force that this is a stealth tax, whereby they are being obliged to shoulder the cost of providing a proper police service in Lincolnshire and elsewhere, which should properly be borne by the Government.

My strong suspicion—I am sorry to say this to the Minister—is that that is deliberate policy. I believe that in many rural areas, it is deliberate policy to drive up the local tax by way of stealth taxes of that kind in respect of those matters that should be properly borne by central Government. It is not coincidence, but deliberate policy. Where do we go from here? As I said, I believe that the Lincolnshire police authority will come forward with a very substantial request for an increase in precept. I do not believe that it has any alternative. It is an unfortunate state of affairs, brought about by a deliberate policy of Government, but I am a realist and I think that the police service in Lincolnshire needs to be reinforced, which will require a substantial increase in the precept. I shall defend that, but I greatly regret the fact that it has to be met.

I say to the Under-Secretary of State that it would be perverse of her and her colleagues to impose a cap on the request that may well be made by the police authority, which will have been brought about by what I believe to be the Government's failure to provide proper funding for Lincolnshire. If that request is made by the police authority, it should be allowed.

David Taylor: The right hon. and learned Gentleman represents a seat in the same region as me. There are two factors to which he has not yet alluded in respect of the financial problems facing the Lincolnshire and Leicestershire forces. First, there is a lag between population growth occurring on the ground and its being reflected in the formula. That is true of Lincolnshire more than Leicestershire, but the whole of the east midlands is the most rapidly growing region, which needs to be addressed. Secondly, there is the impact of floors and ceilings, which have prevented Leicestershire from receiving an extra £6 million over the last two years and an extra £9 million over the next three. That speeds up the rate at which the needs of authorities need to be reflected and paid for in the central grant. That affects Lincolnshire as much as it affects Leicestershire, does it not?

Mr. Hogg: The hon. Gentleman is right. The two points that he identified are certainly common to his county and mine. I suspect that they are also true of the other counties in the east midlands. However, he speaks with authority for his own county and I can confirm that it is true of Lincolnshire.

I wish to make two further points before finishing. First, I personally believe that we need to see a huge increase in the number of police officers on the beat, especially in the more stressed urban areas. That point arises from my practice at the criminal Bar. The House will know, as I frequently declare my interest, that I frequently appear in criminal courts. By the nature of things, I tend to represent people who have committed crimes in urban areas. There is tremendous and serious lawlessness in many of our cities. However we describe it and whatever its immediate causes—these are not matters for today's debate—I believe that a very large increase in police numbers is necessary and should be done on a pilot basis—increasing by 20, 30 or 40 per cent. the number of police officers available. That will prove hugely expensive to fund.

That brings me on to a point that I have made many times in the House—the value of the special constabulary. I was a special constable for two or three years and greatly enjoyed it, although it was many years ago now. I believe that it provides a wholly untapped resource. Long ago, we accepted that the Territorial Army and the fire service should be entitled to pay their part-time people. I have long believed that we should be able to pay special constables a proper retaining sum. If we did that in counties such as Lincolnshire, many people willing to patrol the streets of their villages and localities would come forward. I urge Government and Opposition Front Benchers to think about the advantages of that happening.

My last point relates to bureaucracy and I put it mainly to my hon. Friend the Member for Bury St. Edmunds. He was wholly right to say that much of the police service's time is wasted in bureaucracy. I know that because I have seen it in my own practice at the criminal Bar. May I remind the House of the need to ensure that power is not abused? I happened to be a Whip way back in 1983-84 when the Police and Criminal Evidence Act introduced various codes and the requirement that interviews should be tape recorded. I can remember what police interviews were like before tape recording, when verballing was commonplace.

I also remember two of the difficulties associated with stop and search. I recall Sir John Wheeler as he now is, then Chairman of the Home Affairs Committee, campaigning to stop the use of stop and search because of the abuses taking place on the streets of London, which was particularly damaging to police relationships with the ethnic minorities. We need to be very careful when we set about dismantling some of the constraints that we have imposed on the police. There is a basic and beastly truth about life—if we give power to officials, it will almost certainly be abused. That is a basic rule of politics.

Chris Huhne: Does the right hon. and learned Gentleman agree—this may serve as a salutary warning to his party's Front Benchers about some of the remarks that they have made in recent weeks—that trust between the minority communities and the police is crucial to effective policing? Without that trust, it will be impossible to secure the evidence needed to convict, or to secure successful prosecutions. On that basis alone, is it not entirely counter-productive to start ditching important safeguards of the kind that the right hon. and learned Gentleman has described?

Mr. Hogg: I agree with the first part of what the hon. Gentleman has said. It is indeed important to try to increase trust between the ethnic minorities and the

[Mr. Hogg]

police service. At present, it does not exist in many areas. I suspect, however, that the hon. Gentleman has been rather unfair to my hon. Friend the Member for Bury St. Edmunds. He and our colleagues are not suggesting the dismantlement of the main protections: I never thought that my hon. Friend said that. What I am saying is that we must be cautious, because many of those protections are there for very good reasons.

Power will be abused. We should give power away only if we must, and if we must, we should ring it with as many safeguards as we properly can.

6.10 pm

Mr. John Horam (Orpington) (Con): I wish to direct the House's attention away from the rolling acres of Lincolnshire to the leafy suburbs of London, whose problems were mentioned briefly by my hon. Friend the Member for Bury St. Edmunds (Mr. Ruffley) in response to an intervention from my hon. Friend the Member for Guildford (Anne Milton).

There is a general perception on the Government Benches that there is little crime, or less crime, in the leafy outer suburbs of London, but that is not true. Indeed, the problem is that the more affluent parts of those suburbs are magnets for crime. My local police in Orpington, in the London borough of Bromley, recently carried out a successful operation involving a particularly villainous group of criminals who were feasting on an especially affluent part of my constituency. They did a brilliant job in apprehending all those villains, but only one of them came from Bromley. Most came from other parts of London, or from other parts of the country. The affluent suburbs which are supposed to be quiet and crime-free are often magnets for major crime.

As that incident showed, we have an excellent borough commander in Bromley, in the shape of Chief Constable Charles Griggs. He was born in Bromley and lives in my constituency of Orpington, so he knows the ground extremely well, and we are very confident about his performance and that of his team. He tells me, "I must live within the resources that I am given by the Government, or the Mayor of London. There is little I can do about that, and I make the best of it." The fact is, however, that the resources at his disposal are far less than they should be. Although Bromley is the largest borough in London, it has only a little over 500 police officers. The further we go into the inner-London boroughs in concentric circles, the more the number increases. There are probably more than 600 in Lewisham, and I believe that Hackney has 800 or 900. I do not know the figure offhand, although the Minister may know it. In any event, she will understand my point.

As has been pointed out by my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg), there are major problems in city areas, both in affluent outer London and in less affluent inner London, which could be lessened by significant increases in the number of police on the streets. That is, of course, a product of the lack of resources that is evident in places such as Bromley. The problem is not just a lack of resources year on year—I am glad that the Government have adopted a three-year financing period—but sudden changes in the amount available within the year, which occur with little notice and little reason.

I recently told Chief Constable Charles Griggs, "The promises about the number of police community support officers in my constituency are not being honoured. There are fewer than you said there would be. Moreover, the police shops that were to be opened in the wards are not being opened. People are disappointed. Expectations were raised and are not being fulfilled. Why?" He said, "I have just been told by the Metropolitan police that I cannot spend any more money in the current financial year, so I will have to postpone all that until the next financial year—if I can." Not only are the resources less than they should be, as many Members have acknowledged today, but there are sudden arbitrary changes in the amount that a police force can spend in a year. That is disconcerting and difficult for forces to handle, and it has an effect on the quality of policing.

This debate will be followed by a debate on the local government settlement. I do not intend to stray on to that ground, but the fact is that boroughs such as Bromley suffer, as a result of having not just fewer resources for policing but fewer resources for local government, which compounds the problem. Bromley has fewer resources for health care and schools than less affluent London boroughs. This is not a single but a quadruple problem, which exists throughout the spectrum of public services.

Let us consider police resources in the wider context of the whole country. Public spending in London is only 31 per cent. of regional income, while in the north-east the proportion is 63 per cent. and in the north-west it is 54 per cent. Not only does Bromley suffer within London; London suffers in comparison with the rest of the country. That is perpetuated in the police settlement. My right hon. and learned Friend the Member for Sleaford and North Hykeham complained about a 3.1 increase in his area. My area has received an increase of 2.5 per cent., less than has been received by any metropolitan police area in the country except one. West Yorkshire, Manchester, Merseyside and Birmingham have all received larger increases. I cannot conceive why that is: surely London's crime levels are at least equal to those in other metropolitan areas.

We will battle on, and do what we can with the resources that we have—my borough commander has admirably said that he will do what he can—but the fact is that those resources are inadequate. I hope that when my party comes to power, in 18 months or in two years, we will do something about that manifest unfairness.

6.17 pm

Mr. Christopher Fraser (South-West Norfolk) (Con): I want to focus on this year's police grant settlement in relation to the specific needs of rural policing. I am on record as saying in the House that Norfolk constabulary does an excellent job in difficult circumstances, policing vast rural areas as well as deprived towns with a history of antisocial behaviour. That is not an easy task, but the police perform it despite having to find some £3.5 million in efficiency savings. They have been forced reluctantly

to go to the Government cap in hand to increase the amount of council tax that must be imposed on the county's taxpayers.

At the end of last year, the Home Secretary assured the House that the Government were committed to ensuring that the police service was in the best possible shape to meet the heavy expectations placed on it. That commitment is welcome, but does the Minister agree that it is vital to recognise the special needs of policing in rural areas, and the particular demands involved in delivering a high-quality service to communities in which the population is sparse?

I want to concentrate on two issues that the Norfolk police have told me are of key importance if they are to achieve their goals of reducing crime, the fear of crime and antisocial behaviour, increasing detections, and improving confidence. The first is specific grants. The rural policing fund is, unsurprisingly, hugely important in sustaining the force's capabilities, but it and other specific grants such as the crime fighting fund have not increased for several years. That amounts to a grant reduction in real terms.

This policy reinforces the view held among rural forces and in the rural community, particularly in places like Norfolk, that the Government are refocusing resources in urban areas at the expense of rural areas. I am sure that the Minister recognises that that message is hugely damaging to police morale, and that it causes immense frustration—and, indeed, fear—among rural residents. How can such a policy be fair? Does it not demonstrate yet again that this Government misunderstand the countryside and fail those who live outside cities and major towns?

Fear of crime is high in South-West Norfolk. Unlike in urban areas, some residents in my constituency can go for days, or even weeks, without seeing a police officer. People want help in tackling antisocial behaviour, traffic speeding through remote villages, enforcement of weight limits on lanes, petty thefts, and drug use in their communities. The chairman of a village hall management committee told me:

"We have suffered thefts, boy racers, drug users, vandalism, gate-crashing, which abuses the hard work the committee puts into the playing field and hall. The police have been called on numerous occasions, but their policing area is so large they can take up to two days to arrive. We want to see more fully trained police, not just PCSOs."

Agricultural theft is also a massive problem. The excellent organisation Farmwatch has had to resort to sending out a warning to farmers in its newsletter, advising them not to leave farm equipment out between jobs so that they do not fall victim to thieves looking for scrap metal. One constituent wrote to me:

"I have been the victim of six separate thefts, despite spending more than £1,000 on additional security. The response from the Police is that it will happen again. The officer who attended this morning told me that last night there were 2 officers patrolling an area from King's Lynn to Hunstanton to Swaffham (an area over 1,000 sq miles). The chance of any thief being caught is almost zero. I am at my wit's end. Agriculture is a difficult enough way of making a living without people stealing the little we have."

It seems now that even our local churches are not safe from this type of theft, as scrap merchants have begun targeting church roofs for lead.

I also cannot mention rural crime without referring to the frequent raves residents in my constituency must endure. I will return to that matter later in the month when I present a ten-minute Bill to the House, seeking to address the shortcomings of current legislation on raves.

Why have specific grants, such as the rural policing fund, not been kept in line with the rate of inflation? Why have the Government constrained rural police forces by imposing upon them a grant reduction in real terms? These are serious and pressing questions, to which rural forces and my constituents want answers.

My second point is on the provision of protective services to cover emergency incidents, major investigations, work to combat terrorism and extremism, serious crimes such as homicide, public order incidents, witness protection and organised crime. Norfolk, along with other forces, is suffering from a projected gap of £5 million in protective services funding, despite an upsurge in serious and organised crime, a rise in human trafficking and increased drug-related crime. Does the Minister accept that rural police forces, like urban forces, have to deal with these crimes? Will the Minister also acknowledge that modern technology facilitates such crimes? Norfolk has pledged to be an intelligence-led force, but how can it achieve that if the protective services aspect of its remit is insufficiently funded? Does the Minister accept that a funding gap exists in this area, and what will the Government do to address it?

Norfolk is collaborating with a neighbouring force to try to overcome this shortfall in resources, but it will be a few years before the positive effects are seen. What is Norfolk constabulary expected to do in the short term? Norfolk constabulary is committed to protecting the public to the very best of its abilities, but it needs the support of the Government and a fair share of the national funding pot to do so properly.

I urge the Minister to reassure our police forces that the funding shortfalls that are causing considerable worry to constabularies such as Norfolk do not reflect a wider Government complacency towards the needs of rural areas. Finally, and most importantly, I urge the Minister to give Norfolk a better deal.

6.25 pm

Mr. Crispin Blunt (Reigate) (Con): I rise to debate some of the details of the police grant, with particular reference to Surrey. I am delighted that the Minister for Security, Counter-Terrorism, Crime and Policing is back in his place, and I am pleased that he acknowledged in his opening remarks that there is a particular problem to do with Surrey police funding.

First, let me give some context. Surrey is supplying £5.4 billion-worth of taxation revenue to be spent elsewhere than in Surrey; therefore for a typical family of four, on average £20,000 each year is spent outside Surrey. So Surrey is paying more than its fair share towards expenditure elsewhere in the country. I shall examine the grant formula, and then look at the consequences of how it is applied to Surrey and point to some of the potential remedies that the chief constable recently recommended to the Minister.

I wonder whether anyone present—with the possible exception of one or two Home Office civil servants—has any idea how the police grant formula works. It is based on a projected population multiplied by the result of the police basic amount plus police crime

[Mr. Crispin Blunt]

top-ups 1 to 7, plus police incidents top-up, plus police fear of crime top-up, plus police traffic top-up, plus police sparsity top-up.

It is also revealing to examine the detail of what makes up the formulae. If a resident of Surrey sees that "single parent households" and "student housing" each appear under three different top-ups and that, to cap it all, under police crime top-up 7 a negative factor is applied for people identified as "wealthy achievers", they might then begin to get the general idea that all the formulae will take money and funding away from the county of Surrey. That has, indeed, been the case. One need only examine what has happened in respect of funding per head of population in Surrey since 1997-98 and the introduction of all the formulae and their consequences: the amount of money that Surrey has received from central Government has bumped along the bottom of the floor set by the Government. Indeed, the formulae were set in such a way that if there had not been a floor, I rather wonder whether Surrey would be getting any money at all from the Home Office.

The formulae are entirely impenetrable to outsiders; it is impossible for them to find out what they mean in fact. What they mean for Surrey is that it has received no extra money in cash terms in Home Office police grant per head of population since 1997. In saying that, I might be guilty of misleading the House because the truth is that in 1997-98 the Home Office grant per head of population for Surrey was £57.80, whereas this year it has risen to the princely sum of £58.33, so it has in fact gone up by 53p per head in cash terms during the 10 years of this Government. Meanwhile, however, in order to deliver policing in Surrey, the council tax per head of population that goes to support the police has increased from £19.51 to £77.15.

The Minister has said that the proportion of Surrey's police funding coming from the council tax payer is approaching half, but national non-domestic rates are also raised in Surrey. Only 40 per cent. of the national non-domestic rates raised in Surrey are then spent in Surrey, and that is scored as national expenditure for the purposes of the Minister's definition of national, as opposed to local, expenditure on the police. If one scored the national non-domestic rates raised in Surrey as local expenditure, about 64 per cent. of funding for the police in Surrey would be coming from Surrey taxpayers in one form or another.

Surrey's position is extreme, and to see that, one has only to look at the different sets of formulae that were introduced in this House in 2005, all of which acted in precisely the same way to ensure that Surrey's expenditure was sustained only by the floor that the Government have put in place. I am afraid that the conclusion that my constituents and I are entitled to reach was summed up by the sedentary intervention by the hon. Member for Carlisle (Mr. Martlew). When Surrey's expenditure was mentioned he said, "They can afford it." Some £5.4 billion-worth—or, by other accounts, £5.9 billion-worth—is being exported from the county to be spent elsewhere in the country, and there comes a limit. That limit has been reached.

As an aside, I shall examine the interesting additional rule 1 to be applied by the Home Secretary. I wonder why something similar to what applies in Wales does not appear to apply in England. The rule states:

> "The Home Secretary has decided that the grant provision under the principal formula for South Wales Police Authority"—

which includes the capital of Wales—

> "shall be reduced by £2,383,426".

Instead of being given to the police authorities in England and Wales, that money is simply redistributed among the Dyfed-Powys, Gwent and North Wales police authorities. If additional rule 1 is good enough for Wales and allows some adjustment to be made for over-expenditure in Wales's highly populated area to ensure that the policing challenges of its more rural areas can be addressed, why cannot something similar be done for England? Why cannot something similar be contemplated for Surrey, given the crisis that is overtaking Surrey police authority?

The Minister will be well aware that I use terms such as "crisis" advisedly. Surrey's police force has been in the top end of all the performance indicators over the past 10 years, and it has supplied other areas with some distinguished police officers, Denis O'Connor and Ian Blair to name but two. I have accompanied both of them, and the chairman of the police authority, on delegations of Surrey Members of Parliament to previous Policing Ministers to point out that what was happening in Surrey was going to be unsustainable, yet year in, year out Surrey has sought, through imaginative policing and restructuring solutions, to stem the tide of its enormously difficult financial position. Above all, Surrey council tax payers have ridden to the rescue to ensure some form of sustainable policing in Surrey.

We now face the extremely difficult consequences of this settlement. On 23 January, Surrey's chief constable wrote to the Minister, saying:

> "I am writing in unprecedented terms to express my professional concerns about the risks to public safety of people in Surrey over the next three to five years, if our funding position is not resolved urgently."

Behind these formulae lies a basic absurdity in how the conclusion about how much money should go to Surrey is reached. The absurdity is that even if one accepts that the formulae are arrived at reasonably and are a reasonable assessment, they take no account of Surrey's location.

If Surrey were moved bodily to the middle of Wales, which is a much lower crime area that has no major crime centres around it, Surrey would receive exactly the same amount of money under the formulae. As we have heard, 59 per cent. of serious organised crime in Surrey comes from outside it. I cannot better the chief constable's remarks about this. He says:

> "We are about to hit the tipping point where the majority of burglary, vehicle crime and robbery come from travelling offenders visiting Surrey from neighbouring high crime generating areas including London (currently at 46 per cent.)...I am also able to evidence a range of demands which are a direct consequence of bordering London. The Funding Formula takes little account of these factors".

All that should be more than familiar to the Minister, and, as my hon. Friend the Member for Bury St. Edmunds (Mr. Ruffley) was good enough to make clear, it comes from a police force that has performed at the top end of everybody's expectations in terms of its administrative efficiency.

On 11 February, the Surrey police authority will have to set the force's budget, and this grant formula puts it in an impossible position. I understand that it cannot

meet the Home Office's requirements on targets and performance within the current budget without busting through the capping limit. I understand that the proposals that will be made to the Surrey police authority on Wednesday for its decision on 11 February will become public. The chief constable has asked the Minister for feedback and urgent discussions on the prospects for a solution. The chief constable's solution is a special grant of £54 million over three years, which would serve only to give Surrey the average funding of other forces around London.

The Minister's opening remarks directly acknowledged the fact that Surrey faces a particular problem, and he must take these concerns seriously. If he does not intervene, I would be astonished if the Surrey police authority is able to set a precept that does not smash straight through the capping limits. If the police authority proposes something above 5 per cent. I would expect him to cap it, but I must tell him that he would then have to meet the chief constable, the chairman of the police authority and hon. Members who represent Surrey constituencies to explain how he will address the problem centrally. Without a shadow of doubt, Surrey has a completely solid case, given the consequences of how the funding formulae have rolled out over the past 10 years.

6.38 pm

Mr. Brian Binley (Northampton, South) (Con): May I thank the Minister most sincerely at the start of my contribution—before he quickly leaves—for two reasons? First, I thank him for meeting representatives from across Northamptonshire's policing body. They were most grateful that he saw them, and I hope that he will have words for me tonight that show that the meeting was worth while.

Secondly, I wish to thank the Minister for his opening remarks on the issue of sustainable community areas. He said that he was cognisant of the fact that the tardiness of the grant for those areas was a real problem. I do not want to talk about the east midlands, because that region has already been well covered by my hon. Friend the Member for Bury St. Edmunds (Mr. Ruffley) and my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg). However, I make no excuse for speaking in detail about my own county of Northamptonshire and the impact on my constituency.

The Minister will know the arguments, and I know that if he were in my position his arguments would be just as robust and strong as I intend to make mine tonight. I hope that from that perspective he will understand why I am raising the issue and that he will agree with me and go away and do something about it. He is the sort of man whom I would expect to think in those terms, so I am hopeful.

The reason for making the case for Northamptonshire is simple. Northamptonshire police will receive an increase in formula funding of 2.5 per cent. The Minister knows that figure, but when it is added to the special grant funding—and we have to look at the whole of police funding—Northamptonshire will receive an increase this year of 1.4 per cent. That is less than this Government's tardy recommendation for police pay. How can we add the figures up for Northamptonshire? The Minister knows, I know and my electorate know that they simply do not add up. That is why I make this appeal to the Minister.

The right hon. Gentleman mentioned the sustainable communities programme, and Northampton and the county around it have some of the fastest population growth rates in the country. That leads to some serious problems. The county faces two double whammies. First, it has a real problem with formula funding, which Ministers recognise, because they tried to introduce a new formula for police funding. While that helped Northamptonshire, it did not help some of the areas to which the Government are friendlier, and it will not do anything to improve our present position as the second lowest funded council in the country. The second aspect of that double whammy, which adds woe upon woe for the people, is that the Office for National Statistics has said—as the Government recognise—that there will be no growth in Northampton between 2001 and 2008, even though we are a sustainable communities growth area. That latter point is the first aspect of the second double whammy, and the second is that the area has one of the largest eastern European immigrant populations in the country. Northampton alone has had 10,600 immigrants from eastern Europe register for national insurance numbers in the past three years. That is the second highest in the country.

I hope that I do not need to tell the Minister that Northamptonshire is a part of the Milton Keynes-south midlands growth area. The Government want us to have a 50 per cent. population increase, with 167,000 new houses to be built across the county by 2031, with most of them being built in the early years of that period. Indeed, planning applications for 45,000 houses are already in play, which will mean an increase in population of at least 100,000. And the police have had a 1.4 per cent. increase.

Mr. John Hayes (South Holland and The Deepings) (Con): My hon. Friend makes a robust case for Northamptonshire, but Lincolnshire people look on that county with envy. We are the worst funded authority, as my hon. Friend will know. Does he agree that Northamptonshire and Lincolnshire share a dilemma with Surrey? Because of the gap created by lack of funding, we must raise the precept, but we cannot raise it beyond the cap. Is not that an impossible situation for police authorities, as the Minister must know?

Mr. Binley: I am most grateful for your intervention and I welcome its robustness—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I have to make the point again to the hon. Gentleman who, despite some experience in this House, continues to fall into that little technical trap.

Mr. Binley: I am grateful for that guidance, Mr. Deputy Speaker. I learnt my bad habits as a local councillor and I apologise.

My hon. Friend underlines the point that both the east midlands and Surrey suffer as a result of formula funding, and that puts them in an impossible position. My hon. Friend will also know that when the Government's growth agenda is added on top of that,

[Mr. Binley]

the position becomes even more impossible—if that makes any sense at all. I see heads wagging, but it is true. We need to find 1,100 additional hospital beds, 20 new upper schools and 60 new primary schools, to say nothing of leisure and sports facilities, doctors' surgeries, area health clinics, water, sewerage and the police to police the county.

I pay tribute to Peter Maddison, the chief constable, for the work that he has done. The county's policing is improving, and the Minister will know that. We have done our bit, but we do not have the money to do the job that he wants us to do.

Mr. Ruffley: Does my hon. Friend agree that it would be sensible for the Opposition to vote against the motion on the grounds that the formula is not being applied fairly, and the dispositions and allocations in the report are inadequate?

Mr. Binley: I would be delighted if we were to proceed in that way, and that gives me a little hope—*[Interruption.]* It gives me hope, I can tell the Minister, because my party is obviously thinking in the right way.

I have already said that my area has the largest number of immigrants from eastern Europe, but we also have one of the largest Somali immigrant communities—to say nothing of other communities. The consequences, for policing in Northamptonshire, include an interpretation budget that has increased from £53,800 in 2004-05 to £237,000 this year, an increase of 450 per cent. in four years. That has not been taken into account by the Minister—at least, not to date. I am hopeful that he might change his mind.

The number of non-British people arrested last year increased by 4.1 per cent. It might be argued that that is a comment on the well-being of the immigrant community in Northamptonshire, and I am willing to accept that, but the rise was still well above inflation and above the money that the police are paid to deal with it.

The number of hate crimes has risen by 10.1 per cent., which suggests the problems that are beginning to emerge in the area, which we need to note. I am fearful that the 1.4 per cent. in total increased funding will not allow us to deal with that issue in the way that we would wish.

The Local Government Association has been especially supportive of Northamptonshire's case. In a submission to the House of Lords Economic Affairs Committee inquiry into the economic impact of immigration, the LGA pointed out that a substantial number of migrants have gone to towns such as Northampton that have little experience of receiving international migrants. It is much more costly when those involved are on a steep learning curve, and that is exactly where we are. That is a real concern.

I do not need to tell the Minister that traffic has increased by 20 per cent. in recent years in Northamptonshire—the fastest rate of increase of any town in the country. That underlines the growth of immigration into the county and of the sustainable communities programme that I have already mentioned. When I tell the House that the chief constable talked about reducing the number of operational police officers by up to 400 over the next three years, Members will realise the difficulties we face.

Mr. Hayes: My hon. Friend makes his case with the eloquence of Pericles and the strength of Hercules. Will he acknowledge that inasmuch as the formula is insensitive to local details and unresponsive to change it particularly disadvantages rural counties? They are changing, in some of the ways that he describes, not just in Northamptonshire but in Lincolnshire and elsewhere.

Mr. Binley: I thank my hon. Friend for that intervention and I completely accept his comments. He gives me the opportunity to point out that on top of the growth in sustainable communities we face the general trend he describes, which adds to our difficulties.

The Minister will know that we have tried to bring our case to the attention of the Government. I have already thanked him for meeting colleagues from Northamptonshire. We also met the Minister for Local Government. In November, I questioned the Home Secretary about underfunding and was delighted when she told me that I had made

"an important point about the funding made available to police services and the nature of the formula in recognising changes in population".

I was also delighted when she went on to say that she would

"in the near future...be making announcements about next year's funding for police authorities and will bear in mind the issues that many forces have raised about the nature of population growth and how that is included in the formula".—*[Official Report,* 26 November 2007; Vol. 468, c. 3.]

You can understand, Mr. Deputy Speaker, how my hopes rose, but when the grants were announced what a tragedy for me to find that those were empty words and empty gestures. I am hoping against hope that the Minister can put things right this evening.

As I said, Northamptonshire police received a total grant increase of 1.4 per cent. when formula funding and the special grant are added together. We have to do that, because community policing is part of the special grant provision. We cannot leave out that element and say that it does not matter. Of course it matters, especially in a county such as Northamptonshire.

The truth of the matter is that the people of Northamptonshire increasingly believe that the Government are letting them down. Equally, and of more concern, the police in Northamptonshire believe that the Government are letting them down. I wonder whether the Minister will be honest with me—*[Interruption.]* I am sure he will. There is a way out of the problem; the Minister could work with his colleagues in the sustainable communities programme and tell them that there is a special special reason for doing something about my county, because 167,000 houses are being dumped—I use that word carefully—on the county in a very short time indeed. We are taking more than our fair share.

I hope that when the Minister sums up the debate, he will tell us that he will talk to his Government colleagues who are responsible for the sustainable communities project to try to find ways of easing out extra money to ensure that Northamptonshire policing can benefit, because we face such a massive growth agenda. However, if that is not possible, the very least the Minister can do for me and the people of Northamptonshire is to tell us why funding has been so restricted. Why have we had such a bad settlement this

year? If the Minister is honest he will tell us the truth—that when his colleague the Prime Minister was Chancellor of the Exchequer he made hay while the sun shone to such an extent that we now face massive financial problems, and that much as the Minister would like to do what I ask he is unable to do so, because the former Chancellor acted to the detriment of the people I represent.

6.54 pm

Mr. McNulty: I congratulate everybody who has made a contribution to the debate. As I said at the start, I certainly do not traduce Members who make a case for their individual area; that is absolutely right and proper and is, in part, the purpose of the debate. It might have been helpful if I could have put a little more context on the record before the avalanche of local special pleading—I do not mean that in a nasty way. However, I shall not waste time by giving context now as I would rather respond to the many cases that have been put.

As the hon. Member for Bury St. Edmunds (Mr. Ruffley) rightly suggested, I would not necessarily disagree with many of the points he made. The settlement needs to be seen in a much wider context than just this year or successive years. It needs to be seen in the context of the whole issue of voluntary mergers, to which he alluded, and what we might or might not be able to do in those circumstances. I assure the House that we are not about to revisit enforced mergers—we have gone beyond that.

There is also the issue of police pay, not just this year or in coming years. The House knows that my right hon. Friend the Home Secretary made it very clear that if we can reach a multi-year deal for the next three years or so, around the police arbitration tribunal index, and there is an assurance not to phase such a deal, it would give us at least the degree of certainty in terms of pay that authorities will rightly require over the next three years.

Although there was a bit of badinage about the point, all those who suggested that although paperwork and bureaucracy are important it is time for more action and not merely words are right, too. Ever since the production of David Bowie's "Life on Mars" album and the period when the series that we have just enjoyed watching was set, we have been talking about trying to reduce the amount of paperwork and bureaucracy. I take Sir Ronnie Flanagan's point: police bureaucracy is rather like cholesterol—there is good and bad, and as the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) said, we do not want to throw out the good with the bad. We do not want to throw out the proverbial baby with the bathwater, in the sense of throwing out good, solid audit paper trails, which protect the defendant, among others, in legal processes, in the cause of getting rid of all paperwork.

Mrs. Dunwoody: I think my right hon. Friend will find that there is no good or bad cholesterol but too little or too much, and that makes an apposite point.

Mr. McNulty: As I tried to point out at the most recent Home Office questions, only to be charged the next day—by Simon Hoggart in *The Guardian*—with having gone temporarily bonkers when I mentioned cholesterol in answer to a question on police bureaucracy, although we have sorted it out since—

Mrs. Dunwoody: The bonkers or the cholesterol?

Mr. McNulty: The bonkers bit—the charge that I was bonkers, however temporarily, as he was kind enough to say. Actually, I have just had my MOT from the occupational health people in this place—for whom we all have high regard—[Hon. Members: "What did they say?"]—What they said was obvious, but it is none of the House's business. In fact, they pointed out sharply that there is indeed good and bad cholesterol and kindly gave me three books to prove the matter. I was told that a combination of the two made up the overall index to show whether Members had good or bad cholesterol.

I take the point that was made in respect of bureaucracy. It is irrelevant that the Police and Criminal Evidence Act 1984 was introduced under the Conservatives, but I repeat that it is wearing well over time and is doing well what it was intended to do. We are certainly finding that in terms of the PACE review. As I told the hon. Member for Bury St. Edmunds, as and when there is scope to update and modernise the measure we shall do so. That is what the east Lancashire pilot is about. The notion that portable records have to be given to each party is probably old-fashioned, so if through the pilot we can reach the stage of utilising digital storage rather than physical tapes, with appropriate password access for the limited number of parties who require the information, it will be an advance.

Many Members who visit police stations—in a voluntary capacity, of course—will be struck by the extensive cupboard or room that is full of cassettes, because of the current requirement. Where we are going with PACE; what we may or may not choose to do with voluntary mergers; the points about police pay, both looking forward and otherwise; and the comments about paperwork and bureaucracy were all well made, and there was broad consensus across the House in each of those regards.

Although I appreciate that urban and rural policing face different concerns and issues, all forces need to be alive to the importance of both rural and urban policing. Where distinctions exist even across the urban-rural divide between affluent and less affluent communities, there are still real policing concerns in both none the less. I do not subscribe to the notion that the more affluent the area, suddenly the less the requirement or need for policing, not least because, as some hon. Members have pointed out, there can be relatively low crime rates in some rural or urban areas that are far from affluent. The key for each area is that, between the Government, local police authorities and the chief constables, we get the balance and mix of policing right for that area.

Mr. Blunt: In the light of the remarks that the Minister has just made, will he at least therefore act next year, if this measure is passed tonight, to take out the rather peculiar subtraction factor for wealthy achievers that appears in the formula?

Mr. McNulty No, but I will happily charge some of the key officials in the Home Office to sit down in a locked room with the hon. Gentleman for about an hour to explain to him why his thumbnail sketch of

[Mr. McNulty]

what was right and wrong with the police formula was woefully inadequate even for a man of his capabilities. I am happy for officials to take him through the issues. When I walked away just as the hon. Member for Northampton, South (Mr. Binley) was speaking, I was checking with those in the Box that we had received Chief Constable Bob Quick's letter, which the hon. Gentleman referred to, and I certainly have and will respond. I will try to get in Chief Constable Quick and whoever else wants to from Surrey to talk to them in the same terms that I am talking to representatives from a range of other police authorities. I want to pick up the specifics of those local dimensions.

Mr. Hogg *rose—*

Mr. Hayes *rose—*

Mr. McNulty: I will give way to the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg), but I am afraid that, with the best will in the world, I will not give way to the hon. Member for South Holland and The Deepings (Mr. Hayes), because he has not endured these three hours in quite the way that the rest of us have.

Mr. Hogg: The right hon. Gentleman has been talking about officials and the formula. It would be helpful if he asked his officials to reflect on the fact that one of the problems in rural areas is the absence of the rapid deployment of reinforcements. That is not taken account of at all in the formula, with the consequence that, if an officer is out on duty and faces a violent situation, there is no back-up, and that is a particularly exposed position in which to be.

Mr. McNulty: I take the point, which is, I suppose, a rough analogy to the sparsity point that relates to the next debate on local government finance. If the formula and allocation models are to be robust, they must be continually reviewed. I take those points seriously, but it is a matter of balance. For every plea made by an hon. Member for more money for a certain force, whether urban or rural, the money must come from elsewhere. It does not follow, not least for the reasons that I have outlined, that if more is given to rural forces, that comes from the pockets of urban forces—things are not so simplistic as that—nor is it the case, save for a very few areas, where each of our 43 police forces are either exclusively or largely rural, or exclusively or largely urban. Clearly, the forces are often mixed.

Mr. Binley: How does the right hon. Gentleman feel that that applies to the sustainable communities project? The Government have asked my county in particular to be heavily involved in that project, yet they have not found the sort of money for services that growth requires.

Mr. McNulty: The hon. Gentleman is not being entirely fair, but in many regards across the Government, that is precisely what has happened. I said in my opening remarks, and I have said the same to colleagues across the Government, that I do not think that the mechanisms governing such development have been robust enough in terms of establishing the community safety architecture and recognising that the required resources should grow with the communities, rather than afterwards. However, he is not entirely fair, and I was in on the ground floor in terms of the development of the sustainable communities plan. He will know that, across government, the criteria associated with education, health and a range of other services have been specifically bent and shaped around what we are asking the communities in growth areas to do. I accept that that has not happened in the case of policing, but even in that case, local authorities have launched initiatives, working with other partners, to make progress. If that policy is not as robust as it should be in Northamptonshire, we can talk about that issue another time—*[Interruption]*—or we can talk about it now if the hon. Gentleman wants to.

Mr. Binley: I thank the right hon. Gentleman for his generosity in giving way. I would only add that the county council has already given £500,000 to the Northamptonshire constabulary for community policing, and it intended to give even more but was unable to do so because of the poor grant that it received.

Mr. McNulty: I am sure that the burghers of Northamptonshire are very grateful for all that the county council has done so far and would ask it to try a bit harder in future. The hon. Gentleman is also wrong to characterise the settlement as being unfair to the east midlands. Of the five forces in the east midlands, Northamptonshire was just below in terms of winning or losing on the grant by a couple of hundred thousand pounds, I think. The other four forces all gained from the shift in the formula, however limited that was over the year. The east midlands special operations unit is doing an excellent job, and its work impacts on Northampton, as well as the core three forces and, indeed, Lincoln. I want its funding to be sustained. We have still not sufficiently addressed the level 2 protective services gap that the mergers debate was all about a couple of years ago. The hon. Gentleman will know, as an east midlands Member, that by their own lights, the five east midlands forces were, on any risk assessment basis, in more difficulty in terms of that services gap than any other force in the country. That is why we sustained the necessary funding.

The hon. Member for Bury St. Edmunds and many other hon. Members made points about the freezing of special grants. I take those points on board, but it is a matter of making a sharp political decision. We could have gone in one or two directions; we could have tried to limit more than we did in the end the central core grant and limit even more the flexibility that our forces require by putting in more and more money and inflation-proofing special grants. As a deliberate policy, we chose to put more money through the central grant. The hon. Gentleman and the House will know that, save pretty much for the neighbourhood policing fund that funds PCSOs, the rest of the general grant is not ring-fenced, thus affording the flexibility to allow the forces to do what they feel that they need to do in policing.

It is right and proper, as Members have said, that after successive years of growth—that is the bit that they do not mention—we have frozen special grants.

We needed to make that decision. I think that, on balance, most forces have welcomed the fact that the bulk of the moneys have gone through the central police grant. Indeed, Tim Brain, the chief constable of Gloucestershire and the ACPO lead on finance was prayed in aid in commenting on this year's settlement. He says:

"I am pleased that the Home Secretary has recognised many of the arguments that ACPO and APA have presented over the last few months in the settlement announced today."

To be honest, he continues:

"While this is not a generous settlement, there appears to have been a genuine attempt at striking a balance between competing priorities."

That is exactly what we seek to do nationally, and it is exactly what forces will seek to do locally. I do not think that the Northamptonshire police are on the list to come and see me yet, but if they want to do so in the next couple of weeks, I am happy to meet them. I concur wholly about the service of Chief Constable Peter Madison; we wish him well in future.

Policing is changing considerably all the time, as it must in order to reflect the communities that the police serve. I take the point about Surrey—I will be meeting Bob Quick—and points made by others about the range of services. As the right hon. and learned Member for Sleaford and North Hykeham kindly said, we have had extensive discussions with Lincolnshire police about their peculiar situation—peculiar as in distinct rather than strange. I have a meeting this week or next with them to take the matter forward. He will know that our Quest team, along with others examining the financial and other processes that police forces go through, is working with Lincolnshire police to help them; that goes beyond simply helping them to get over the budget process. As I have said to him—and to the hon. Member for South Holland and The Deepings, on occasions when he was in the room—we will do all that we can to work with them, but that work needs to take place within a framework.

My hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) mentioned a freedom of information request regarding Cheshire and its particular circumstances. If it relates to police authorities rather than local government reorganisation, and if she wants to pursue it with me after this debate, I am happy for her to do so.

As Tim Brain, chief constable of Gloucestershire, says, the issue is and has always been priorities. We could either have frozen the central police grant or, as most hon. Members asked us to do, made at least some progress towards implementing the new formula. Having done the latter, we are moving towards increases of between 2.5 and 4.01 per cent; the latter figure relates to West Midlands police. No matter how tight or difficult the settlement is, it should be appreciated that we have at least moved towards the new formula, rather than adopting very narrow confines as we did in the past couple of years.

I take the points that many Members made about trying to move to the new formula, but as ever with such matters, for every gainer under the new formula, there is a loser. It does not matter terribly to anyone here but London MPs, but the Metropolitan police will lose £33 million when the formula is fully implemented. As a London Member, I hope that that situation will be ameliorated, and that things will not be done in too much of a hurry.

Today we have discussed priorities, context and the circumstances of individual police forces, and a number of things should be said in conclusion. However tight the next three years are under the settlement that we are voting on, they follow seven, eight or nine years of extensive and sustained growth in investment in policing. Happily, that has been contributed to by local government, in varying degrees, as well as by central Government. Some authorities have contributed more than others; there is a marked distinction between Surrey's ability and willingness to do so and Lincolnshire's earlier lack of willingness, although that is only one of a range of problems that Lincolnshire faces.

The Norfolk police are also coming to see me, I think. If not, and if the hon. Member for South-West Norfolk (Mr. Fraser) wants to organise such a visit, I am happy to meet them. I take the policing of our communities seriously, as do the Government. That is why there has been sustained investment in the past seven, eight or nine years, and why we want that investment to continue through efficiencies and other methods. PCSOs would not have existed without this Government, nor would there be record numbers of police officers on our streets, notwithstanding hon. Members' points about recent police numbers.

As I said last year, if a more substantive, grown-up and reflective debate is needed about how we finance our police, let us have it, and let it be cross-party. If further discussions are needed about what resources we need for our police forces—that could include debate on how to free the police from inappropriate bureaucracy and paperwork, or on a sustained pay award met in full by Government—let them happen too. As a result of this Government's sustained investment in the police over the past 10 years, our police forces are in very good shape, notwithstanding the tight settlement. We are building on that sustained investment. We can now have a cross-party discussion about how to police our communities in future only because this Government have made a sustained investment, for which I know communities across the country are enormously grateful. I commend the motion to the House.

Question put:—

The House divided: Ayes 280, Noes 171.

Division No. 068] **[7.14 pm**

AYES

Ainger, Nick	Bell, Sir Stuart
Allen, Mr. Graham	Benn, rh Hilary
Armstrong, rh Hilary	Benton, Mr. Joe
Atkins, Charlotte	Berry, Roger
Austin, Mr. Ian	Blackman-Woods, Dr. Roberta
Austin, John	Blears, rh Hazel
Bailey, Mr. Adrian	Blizzard, Mr. Bob
Baird, Vera	Blunkett, rh Mr. David
Balls, rh Ed	Borrow, Mr. David S.
Banks, Gordon	Bradshaw, Mr. Ben
Barlow, Ms Celia	Brennan, Kevin
Barron, rh Mr. Kevin	Brown, Lyn
Bayley, Hugh	Brown, rh Mr. Nicholas
Beckett, rh Margaret	Brown, Mr. Russell
Begg, Miss Anne	Bryant, Chris

Buck, Ms Karen
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Ellman, Mrs. Louise
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeley, Barbara
Kemp, Mr. Fraser
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonnell, John
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Michael, rh Alun
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Mr. Neil
Twigg, Derek
Vaz, rh Keith
Vis, Dr. Rudi
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek

Tellers for the Ayes:
Siobhain McDonagh and Mr. Dave Watts

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baldry, Tony
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brake, Tom
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Burns, Mr. Simon

Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Cox, Mr. Geoffrey
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dorries, Mrs. Nadine
Duddridge, James
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Green, Damian
Greening, Justine
Greenway, Mr. John
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Holloway, Mr. Adam
Horam, Mr. John
Horwood, Martin
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunter, Mark
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Kramer, Susan
Lait, Mrs. Jacqui
Lamb, Norman
Laws, Mr. David
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
McLoughlin, rh Mr. Patrick
Milton, Anne
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Paice, Mr. James
Paterson, Mr. Owen
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Rennie, Willie
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Dan
Rosindell, Andrew
Ruffley, Mr. David
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Smith, Sir Robert
Soames, Mr. Nicholas
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Viggers, Peter
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Wilshire, Mr. David
Winterton, Ann
Winterton, Sir Nicholas
Young, rh Sir George

Tellers for the Noes:
Michael Fabricant and Mr. Nick Hurd

Question accordingly agreed to.

Resolved.

That the Police Grant Report (England and Wales) 2008-09 (House of Commons Paper No. 265), which was laid before this House on 24th January, be approved.

Local Government Finance

7.31 pm

The Minister for Local Government (John Healey): I beg to move,

That the Local Government Finance Report (England) 2008-09 (House of Commons Paper No. 262), which was laid before this House on 24th January, be approved.

On 6 December, I announced plans for Government grant allocation to local authorities in England. I announced grant to councils not only for the next year but—for the first time ever—for the next three years. Councils now know what they will get, and can plan and manage ahead. I also announced not only the core formula grant, but the allocation of 61 other grants from eight different Departments. Local government will therefore get a total of £2.7 billion extra next year, with overall increases in each of the next three years of 4 per cent., 4.3 per cent. and 4.3 per cent. That continues the inflation-busting rises given by the Government to support local councils each and every year since 1997.

Mr. David Clelland (Tyne Bridge) (Lab): I have to challenge my hon. Friend on his comment about inflation-busting rises. He has said that the settlement would

"make the system fairer to authorities with a relatively low council tax base."

Why, then, has Gateshead—91 per cent. of whose households are in bands A to C—been given a settlement of 2 per cent. when inflation is almost 4 per cent. and the average for the metropolitan authorities was 4.1 per cent.? Why is that four-star authority, which is often held up by Ministers as a beacon of good Labour local government, constantly given such poor settlements? What is wrong with the formula, and when will the Minister put it right?

John Healey: There is nothing wrong with the formula, which is the best and fairest way that we have established for distributing the money available. Last year we consulted on whether to alter the formula, and I confirmed the decisions that I took as a result of that in my statement to the House on 6 December.

The fact is that next year Gateshead will get more than £6.5 million extra overall. Gateshead is also protected by the system of floors, which means that all councils in all regions will get an increase in the core formula grant in each of the next three years. I can tell my hon. Friend that there were, and are, those who argue against the floor system that the Government introduced in 2000. If I had listened to their arguments and representations, my hon. Friend's authority might not have been as well off as it is today.

Mr. Mark Hendrick (Preston) (Lab/Co-op) *rose*—

Mr. Alan Beith (Berwick-upon-Tweed) (LD) *rose*—

David Howarth (Cambridge) (LD) *rose*—

John Healey: I shall give way to my hon. Friend, and then to the Liberal Democrats.

Mr. Hendrick: My hon. Friend mentioned inflation-busting increases. For Lancashire county council, which is based in my constituency, we are seeing inflation-busting increases of 8.1 per cent., 5.7 per cent. and 5.1 per cent. for the next three years—well above inflation. However, for some reason the district council is getting increases of only 1 per cent., 0.5 per cent. and 0.5 per cent. again the following year. Why is there that shift of resources away from the district council towards the county council?

John Healey: The principal reason is this. In preparing for the spending review decisions that we took last year, we—with local government, including the Local Government Association—went through a detailed exercise in which we analysed the pressures that councils face in meeting population changes, service demands and people's rising expectations of local services. It was clear that, as many have told me, there are two main issues—social care and waste disposal—on which the analysis demonstrates that the pressures are likely to be greatest. The larger part of the increase in the core grant to local authorities this year is therefore going to authorities with social care and waste disposal responsibilities. That is one of the principal reasons why Lancashire county council has a larger increase than the district council.

Mr. Beith: On that very point, the three district councils in my constituency are at almost 1 per cent., going down to 0.5 per cent. They are very small authorities, and with a settlement as tight as this, it is extremely hard for them to make the savings necessary merely to keep pace with inflation. Does the Minister understand that problem?

John Healey: I do indeed. A little later I shall talk about the importance of savings and efficiencies. I recognise that things will be different, and harder, for some councils than for others. Nevertheless, I think that the right hon. Gentleman would agree that there are pressures, particularly on social care budgets, and that we should recognise them. That is what we are doing in this settlement, to help councils provide the services that older people, in particular, need in the next three years.

Mr. Philip Dunne (Ludlow) (Con): The Minister says that he is confident about the fairness of his formula. How does he reconcile that with the announcement only last week, by his colleagues at the Department for Children, Schools and Families, that the formula for the dedicated school grant needs to be completely rewritten?

John Healey: Even by his standards, the hon. Gentleman has grossly caricatured and misrepresented the Department's announcement. If the hon. Gentleman is concerned about rural schools, he should know that we have always been clear in our guidance to local authorities with responsibility for local schools and about the additional support that we give authorities that have to support rural schools. Some such authorities will be smaller, by and large, than other authorities.

If the hon. Gentleman wants me to check his point, I shall do so. However, I think that he will find that the additional money from the Department for Children,

Schools and Families specifically to help areas under pressure to support local schools is £188 million this year.

Mr. Frank Field (Birkenhead) (Lab): I have had to express disappointment with eight of the Government's previous settlements as they affected Wirral. Indeed, I so expected that record to continue that I did not thank the Minister when he made the announcement. I should like to put on the record that at least one authority represented here is grateful to the Government for implementing more fully the formula by which they said that they would distribute the money. That formula was based on fairness.

John Healey: I appreciate my right hon. Friend's remarks—although I am a little taken aback by them. I hope that this year, unlike previous years, he will not have cause to revise his observations. At the centre of the settlement is the implementation of changes to the social services formulae that were decided in 2005, introduced in 2006 and double-damped for the following two years. We are moving to a situation whereby we allow those formulae, which represent our best assessments of relative needs, to reflect the settlements that we give. That is a fairer settlement, based on the principle of the analysis that we have carried out. Let me say to hon. Members on both sides of the House that although this is clearly the right thing to do, the general system of floors damping means that it will take not just this spending review but probably the next as well, before the formula is fully unwound. In that way, we can avoid the extreme changes and volatility that characterised the finance system before this Government introduced the system of floors.

Mr. David Kidney (Stafford) (Lab): It is true that the stability provided by a three-year settlement is welcome in Staffordshire. However, despite my best promptings Staffordshire has not responded positively to the White Paper about unitary authorities or enhanced two-tier working, and this year the shire districts, notably Staffordshire borough council, have very poor settlements. Does any part of the calculation of the settlements suggest that areas with two-tier local government should be encouraged to move to unitary authorities?

John Healey: The short answer is no. The slightly longer answer is that I am reluctant to get tempted into the territory of local government reorganisation, because this is a finance settlement debate. *[Interruption.]* I am glad that my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) calls from a sedentary position, "That's very wise."

David Howarth: The Minister mentioned pressures. Cambridge city council is another example of a district council with increases of 1 per cent. and then 0.5 per cent.—well below inflation—and one of the pressures on it is caused by the Government: the concessionary fares scheme. That is a good scheme—but because Cambridge is an urban area in the middle of rural areas, the Government are offering £600,000 for a scheme that is costing it more than £2 million. On a net budget of only about £20 million, that is an enormous charge.

John Healey: The settlement that I announced on 6 December included £212 million extra from central Government to support the additional right to national free bus travel that people will have, which is of value to perhaps more than 11 million elderly and disabled people. The funding that continues to support the existing concessionary travel will remain, and will continue to be paid through the rate support grant, so this is additional funding just to cover the extra required to fund the new entitlement in April. Clearly, none of us quite knows what the impact of that will be, but the travel figures suggest that at present only 4 per cent. of people's bus journeys go beyond the county boundary. The cost of the additional journeys that we look to fund is about £1, so the hon. Gentleman could use that amount as a proxy for each additional journey.

The hon. Gentleman has the figures and I do not, but if—through a specific grant to allocate this extra funding, which was what the LGA urged upon us—his authority has indeed been allocated £600,000 next year for the new national travel entitlement, that is the equivalent of about 600,000 journeys from Cambridge. Unusually from the point of the view of the Treasury and the Government, all the assumptions that we built into the aggregate of £212 million extra for next year err on the side of generosity—but we will have to see how it works in practice. The overall provision that we are making for people's additional responsibilities and rights is generous; even in his own local case, the hon. Gentleman would have to recognise that there would need to be a lot of additional journeys over and above those made and funded at present for it to be insufficient.

Mr. David Burrowes (Enfield, Southgate) (Con): How can this be a settlement for Enfield based on the principles of stability and fairness, when on the one hand the Government give a 4.5 per cent. grant increase, which appears generous compared with the rest of London, but on the other hand they take away £5 million in clawback through the dampening effect? That is the equivalent of the adult social services bill that the Treasury had previously determined was needed. How can the Minister justify that, and how can he look council tax payers squarely in the face and say, as it does on his press release, that we can make a £60 reduction in their council tax bills?

John Healey: Quite easily. The hon. Gentleman cites his constituency of Enfield. I have the figures for his authority here: a 4.5 per cent. increase in the core grant next year and 3.4 per cent. the following year, on top of an increase next year for all grants of more than £18.5 million. I hope that he will put pressure on his authority and say that he expects it, as I do and as do residents in Enfield, to make the same 3 per cent. efficiency savings next year as we expect in the rest of the public sector. Then it will have not only an extra £18.5 million for services next year but another £6.5 million on top of that—money that it can use to improve services or to keep council tax pressures down.

Lyn Brown (West Ham) (Lab): I welcome the continued increases of some 45 per cent. in local government finance by 2011. That is a stark contrast with the record of the Conservatives, who made real cuts in budgets of some 7 per cent.; as a local

[Lyn Brown]

councillor during that time, I know just how difficult those days were. As I am not one for complacency, however, the Minister will understand if I press the case once again for Newham to be classed as an inner-London not an outer-London borough, because it has inner-London needs that are not yet reflected by its area cost adjustment allocation.

John Healey: My hon. Friend hits the mark in two respects. First, Newham will get a substantial increase in its overall grant from Government next year—more than £25 million. That gives the lie to the idea that this settlement works systematically against the interests of all London authorities. Secondly, she is right that there are problems with the area cost adjustment as a mechanism. She argued the case very hard for Newham to be part of a new arrangement. The fact is that we need to take a much more widespread look at how the ACA works, not only in London, and we will do that once this final settlement is passed by the House, as I hope it will be.

Robert Neill (Bromley and Chislehurst) (Con): Before the Minister departs from the subject of London authorities, will he, first, take on board the fact that Newham has the highest and best settlement of any London borough, whereas in the first year 29 of 33 are on the floor? Secondly, if he wishes to assist London boroughs, will he respond to the representations that have been made to include short-term migration figures in the settlement, which otherwise severely disadvantages boroughs such as that of my hon. Friend the Member for Enfield, Southgate (Mr. Burrowes)?

John Healey: First, the hon. Gentleman is wrong about Newham having the highest formula grant settlement of all local authorities in London; in fact, Barking and Dagenham has. Secondly, I share the concerns of many authorities about how good our population statistics are. They are the best and the latest that we can use, but there are clearly ways in which we can improve them to reflect general migration as well as general population changes. I will come to that subject in a moment, which I hope the hon. Gentleman will welcome.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): May I further compound my hon. Friend's earlier astonishment by saying that my local authority, Sandwell, is extremely grateful for the extra that it has received? Historically, it has not had the sort of settlement commensurate with its levels of need. However, one puzzling element of the settlement is the difference between the provisional and the final settlement. Sandwell was informed that it had lost £300,000 as a result of the redistribution of the funding mechanism for family law fees. Sandwell is incurring £400,000 in family law fees, and is somewhat mystified as to why it has lost out on that particular distribution. I would be grateful if the Minister would explain that.

John Healey: I am aware of my hon. Friend's point. It was put to me by a number of local authorities that I dealt with during the consultation, and also by the Local Government Association. The money in the settlement is intended to cover the full cost of family law settlements as a result of a change in approach by the Ministry of Justice. What we had not done, but will do—I shall confirm this—is reflect that situation in the baseline figures that we use to calculate the floor. I think that that may help my hon. Friend and his authority of Sandwell.

Simon Hughes (North Southwark and Bermondsey) (LD): The Minister was kind enough to meet the leader of Southwark council, the leader of its opposition group, myself and others. Will he explain how the people of Southwark—it is a social services authority, so could be classified as a unitary authority in that sense—will get increases of only 2 per cent., 1.75 per cent. and 1.5 per cent.? Clearly, they will lose about 2.2 per cent. in real terms during the coming year—about £5 million. How can that be generous to social services, on which there is huge pressure, and how does it reflect the huge migration in a borough such as Southwark, where there is a population turnover of up to 25 per cent. a year?

John Healey: I did indeed meet the hon. Gentleman and representatives from the offices of my two colleagues who serve as members in his local borough area. I was impressed by the way in which he put the case, and the way in which the leader of the council and its Labour group jointly put their case. The short answer is that his authority benefits from the protection of the floor system. Secondly, his authority will have an interest, as we discussed, in ways in which we can increasingly improve the population and migration statistics at our disposal for making distribution decisions in the future.

The third area, which the hon. Gentleman did not mention, but which we discussed in detail, was the concern the council has to continue progress in regenerating some of the areas where a lot still needs to be done, and to continue the programme started by the council when it was Labour led, which continues now that it is controlled by the Liberal Democrats.

Mr. David Drew (Stroud) (Lab/Co-op): My hon. Friend knows as well as anyone in this House that we in Gloucestershire are still recovering from the impact of the floods, and we are grateful for some of the help that the Government have given us. However, in an answer to a written question from the hon. Member for Cotswold (Mr. Clifton-Brown) published in *Hansard* on Friday, in which he asked about particular flood resilience help, my hon. Friend said, to put it in a nutshell, that money could be found from within existing resources. Does he accept that there are problems ongoing in the county, and will he look for ways in which specific grant aid might be given so that we can deal with the aftermath of what, in one way or another, has been a pretty horrendous year? What does he have to say about that?

John Healey: Resilience, to use the jargon, is a question of how homes and areas can be better protected against flooding in the future. It is increasingly a feature of the way in which we wish to see the planning system used where there may be a risk of flooding. With regard to housing or other development, resilience is principally a matter of the

investment that may be available for the sort of defences that can protect areas and homes. My hon. Friend will know, because he has pressed his case equally hard with Ministers in the Department for Environment, Food and Rural Affairs, that we are set to increase investment in flood defences still further over the next three years, having doubled it already. That programme of work will bring a good deal of benefit in its acceleration of some important and necessary schemes.

In this local government settlement, our concern is to reflect the circumstances and service circumstances of all local authorities. That is why the additional help we put in place for Gloucestershire and other areas since the summer floods has been paid alongside the funding system, but separately. That is a better and more flexible way of dealing with the matter for the future.

Rosie Cooper (West Lancashire) (Lab): While I appreciate that the Government will have increased funding to local authorities by 45 per cent. by 2011, and that the Tories made a real-terms cut in such funding in the four years leading up to 1997, I am sure that I am not the only one who tires of Tory-controlled councils continually complaining about Government funding while taking the credit for Government-funded initiatives. Does the Minister agree that councils such as my own, the Tory-controlled West Lancashire district council, instead of wasting time and resources on doing things such as building a new town hall in Ormskirk, ought to get their priorities right and invest their Government cash in front-line services? The council need to begin with the cemetery, which we badly need.

John Healey: To be fair to my hon. Friend's council, I cannot judge whether its proposals for new civic buildings are the right thing for the town. However, I can tell the council—she may wish to say this to it herself—that if it takes the steps that we support, and which we expect it to take, to do what it does more efficiently, to cut out waste and to do things in new ways, it will free up significant extra resources next year and each year during the spending review period, which it can then invest in the services that my hon. Friend rightly wants to see.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): My hon. Friend has made great play of the need for transparency, openness and efficiency, and suggested to all my hon. Friends that, although they are faced with real problems, only a certain amount of administration is required to ensure that all will be well. If he has such total confidence in his formulae and the suggestions of his Department, why did he refuse a freedom of information request to reveal straightforward figures on which decisions for the county of Cheshire have been based? Surely that does not sit too comfortably with what he has been telling us about the need for openness.

John Healey: The simple answer to my hon. Friend is that the matter concerned advice to Ministers and by tradition and convention, such advice does not fall within the remit of such requests. I have no problems with that. We will have the opportunity to debate the Government's proposals—I am sure that she will be first to speak in that debate and the first to intervene on me—and an order that seeks to restructure local government in Cheshire, a subject that she feels strongly about and has pursued closely.

Mr. Nick Hurd (Ruislip-Northwood) (Con) *rose—*

John Healey: I shall give way one more time and then I will try to get off the first page of my notes.

Mr. Hurd: I am grateful to the Minister for giving way; he has been extremely generous in taking interventions.

The Building Schools for the Future programme is a core Government programme. Hillingdon council tells me that as a direct consequence of its grant, £15 million of capital spend it would like to deploy to support the programme is at risk because the revenue grant has taken them through the floor. An element of borrowing that was supported is now unsupported. Is that joined-up government, and what guidance would the Minister give to authorities such as Hillingdon that are in that predicament?

John Healey: It is joined-up government. The hon. Gentleman has received an inadequate briefing from Hillingdon council. I shall write to him to explain in some detail, but the fact is that where supported borrowing is awarded by central Government to local government, the revenue costs to support that borrowing are built into the settlement, as they were this year and as they have been before. That will mean that as part of the formula grant allocation the hon. Gentleman's council will have the amount of revenue to support the borrowing that it has been granted. It will have that even before the amount that it gets each year is increased to bring it up to the floor. The idea that authorities that are below the floor—the hon. Gentleman argues this for his local authority—are penalised and unable to carry out supported borrowing is entirely a misunderstanding of the system. If it helps him and his council to see the picture more clearly, I am more than happy to write to him in detail to set out what I have explained more clearly.

Formally, we are debating the core formula grant distribution for 2008-09 that covers the totals of redistributed business rates and the revenue support grant, the final details of which I laid before the House on 24 January. The House will have the opportunity to debate the formula grant for 2009-10 and 2010-11 as usual each year. However, let me make it clear that the policy on three-year settlements means that I am unlikely to change the distribution that I have already proposed and published, except in entirely exceptional circumstances.

This is a tight settlement, but public finances are limited for central and local government. Unlike six other departments, which have seen a reduction in funding over the spending period, local government has seen an average 1 per cent. real-terms rise. My distribution decisions mean that every council in every region will have an increase in core grant in each year over the three-year period. So, the settlement is tight, but it is also fair and affordable.

[John Healey]

There will be a rise of almost £1 billion in the core grant for councils next year, but if they make the same 3 per cent. efficiency savings that we expect of other parts of the public sector they will have another £1.5 billion available to improve services and to keep council tax pressures down next year. I hope that that approach has the support of hon. Members on both sides of the House and that all hon. Members will ask their authorities what they are doing to realise those savings.

Central Government can and will help local government to cut waste and to do things differently and better. We are therefore investing more than £380 million over the next three years for council improvement and efficiency, including £185 million for the local government-led regional partnerships. However, councils must look for such improvement and efficiency not because Ministers say so or because it benefits the Government, but because it frees up cash for councils and is therefore directly in the interests of local services and local people.

I want to equip local residents to challenge their council on whether it is running more efficiently, as they have a right to expect. From 2009 information on waste and better working will be set out with council tax bills, so that local people can see what is happening in their council's search for greater efficiency. I will consult on that later this year.

In framing our spending plans, we have worked closely with local government. We are delivering the important reforms for which it rightly argued. Local government pressed for greater certainty and so we made the first ever three-year settlement. Local government asked for greater flexibility and so we will move £5.5 billion into grants with no restrictions on spending. Local government wanted less red tape and so we radically streamlined the targets system from 1,200 targets for some councils to about 200 national indicators for all. Local government analysed the funding pressures with us and so we covered them in the settlement and gave the biggest rises to councils with social care and waste disposal responsibilities. Finally, local government made the case for more financial freedoms and so we will give councils new powers for business rate supplements, the community infrastructure levy and transport charges alongside recent borrowing and trading powers.

Following my consultation, I can confirm my proposed grant distribution in all major respects. I have decided to accept representations from the LGA and others, as my hon. Friend the Member for West Bromwich, West (Mr. Bailey) urged me to, and have adjusted the calculation of grant increases for the purposes of the floor to reflect the transfer to local authorities of full funding for family law cases, a matter on which the Ministry of Justice announced a consultation on 19 December. That adjustment does not affect the amount of grant available in 2008-09, which already covers that spending pressure. However, it ensures that the floor increase is calculated on a like-for-like basis that includes the funding change. I also made corrections to the data used where it was justified. In other respects, the grant distribution is as I proposed on 6 December.

In particular, I can confirm that we will implement fully the relative needs formulae for social services, which were decided in 2005 and introduced in 2006 but have been damped over the past couple of years. We will make the system fairer by increasing by 2 per cent. each the size of the relative needs and relative resource blocs. We will set the grant floors to give all authorities guaranteed minimum increases over the next three years at the same levels as I announced on 6 December. As in previous years, the floors will be paid for within each group by scaling back the grant increase above the floor.

Let me deal briefly with some of the other points that were raised in the consultation and that have been incorporated in associated announcements. Local authorities and hon. Members have raised the issue of population and migration data with me in their representations during the consultation and in debate. As I have consistently made clear, councils welcome the three-year settlement. They welcome the certainty and the knowledge about what they will get over the next three years. To deliver a three-year settlement, we have to use the best and latest data that are available consistently across the country at the time we calculate the three-year settlement. We therefore use the most recent set of local population projections produced by the Office for National Statistics, which were produced on 27 September 2007.

I can confirm that we will put in place a cross-Government programme of work driven by senior officials from central Government and the LGA, and led by the national statistician. That will accelerate the work that has already begun to improve population statistics, including on a local level. The senior programme board will aim to meet for the first time this month. To support that programme of work a ministerial group, jointly chaired by me and the Minister for Borders and Immigration, will be set up, while the independent statistics board will ensure the quality of the statistics that are produced.

Simon Hughes: It is a consolation that the work will be done as the Minister has announced, although it is not necessarily an answer. When does he expect and by when will he, as the chair of that group, require the work to be completed and implemented for the first time so that it can impact on settlements in the future?

John Healey: The Office for National Statistics has set out a programme of improvements, which will be accelerated and amplified by the contribution that local government can make to the work. The hon. Gentleman and I have discussed the problem that faces us all. Local authorities often say that they have electoral registration data, GP registration data and national insurance registration data, but that they do not have sources of administrative data, such as those that I mentioned, that are consistent throughout the country and therefore form a suitable basis for the funding distribution decisions that local authorities wish to make. In the end, such data measure what they measure: they are not necessarily measures of population or migration but they can give us useful double-check and triangulation information. I hope that that can happen without undue delay, especially if the work is accelerated in the way in which my hon.

Friend the Minister for Borders and Immigration and I intend. However, the data must have the statistical reliability that we all need.

Mr. Burrowes: Will the search for more accurate population statistics mean taking full account of the impact of short-term migration, especially on councils such as Enfield? Will that lead to an opportunity for making a case for exceptional circumstances and thus readjusting the three-year settlement figure?

John Healey: In all honesty, I cannot give the hon. Gentleman the sort of guarantee or assurance that he seeks. Surely he accepts that, first, we need to improve the analysis and data that we have on population and migration movements. Our population is changing rapidly and becoming more mobile, and our sources of data struggle to keep up with that. We use the best and the latest that we have, but we clearly need to improve. Making a case for saying that the nature of a specific population imposes additional costs on particular public services and that that needs to be recognised in the distribution of funding support from central Government is a step beyond the data step. The decisions that I have been taking as part of the current settlement follow. If we can find better data and formulae, how and whether they are used becomes a question of policy.

Jim Cousins (Newcastle upon Tyne, Central) (Lab): What my hon. Friend has just told the House genuinely advances the debate and shows a way out of an intractable problem. However, he knows that his grant data are in three-year slabs, with no system of retrospective adjustment. Can he offer at least the possibility of a specific grant in future years that will correct matters for the vexed issue of population?

John Healey: Again, I cannot give my hon. Friend the specific assurance that he seeks. However, the Government make specific grants available alongside the mainstream settlement. As a member of the Treasury Committee, he knows better than anyone that it is important to improve matters, not only for the funding decisions that Ministers—not just me but those in other Departments—make, but because we must have better population data on which to base the 2011 census if we want to avoid some of the worries and weaknesses of the 2001 census.

Julia Goldsworthy (Falmouth and Camborne) (LD): To follow the question that the hon. Member for Enfield, Southgate (Mr. Burrowes) asked, will the Minister confirm whether the group will specifically consider the impact of short-term migrants? Although I welcome the review, we knew that the EU would expand—that has caused many short-term increases in population—so why was it not established in anticipation of the expansion?

John Healey: Short-term migration poses a genuine challenge to us all. The increasingly obvious phenomenon poses several questions. First, many short-term migrants are light users of local government services and strong contributors to local economies and the local tax base. Secondly, it is fair to say that five, let alone 10 years ago, the sort of population change and mobility that we are currently experiencing would have been difficult to predict.

David Howarth: The Minister's point about migrants' burden on local government services being light may be true of the upper tier of services, such as social services and education, but it is not true of the lower tier, which consists of simple things such as rubbish collection. Does not that show how wrong it is to assume that the only movement of money should be from districts to counties?

John Healey: I have explained the reason for the main elements of the distribution. On migration in district councils in two-tier areas, the purpose of giving the Local Government Association a place at the heart of the work is to ensure that—as the LGA does—all council interests are represented, irrespective of type and political control. Surely that is right.

Mr. George Mudie (Leeds, East) (Lab): Given that 0.04 per cent. persuaded the Minister to take Leeds out of the working neighbourhoods fund, thus removing £42 million from Leeds in the next three years, and leaving Leeds as the only big city in the country without money from the fund, is he prepared to reconsider that statistical blip? Otherwise, the inner city of Leeds could suffer the consequences.

John Healey: I know Leeds well, although not as well as my hon. Friend. It has been successful in many areas in the past 10 years. We have carefully considered the methodology and the figures that we use. However, if one sets a threshold and criteria, some authorities will meet the criteria and others will not. Some authorities will come close to fulfilling the criteria and others will not. My hon. Friend's authority is one of 22, including mine, that have been eligible for money from the previous neighbourhood renewal fund but that are not eligible for payments from the working neighbourhoods fund. However, he knows that, to ensure that there is no cliff edge in funding, we will provide transitional funding of 60 per cent. for next year and 40 per cent. the following year. He should also bear it in mind that, by removing the strings that are attached to much funding for local councils, there is scope for them to make decisions about what they want to do to regenerate, improve the economy and make progress in areas such as some of those in his constituency.

Today, I have published on the Department's website the confirmed allocations for next year from the working neighbourhoods fund. Twenty-two authorities will get transitional rather than full funding, and 65 authorities will get the full funding. In the next three years, our support, drawn for the first time from both the disadvantaged areas grant of the Department for Work and Pensions and our regeneration funding, will total approximately £1.5 billion, designed to concentrate our support on areas where deprivation continues to be most deep seated and difficult to dislodge.

Also today, I have published on the Department's website the results of the refreshed consultation on the supporting people distribution formula, which closed last month. Following consideration of the responses, I am today confirming final allocations for next year.

[John Healey]

I am conscious that other hon. Members want to speak, so I turn to the local authority business: growth incentive. Earlier this year, in the light of new legal challenges, I announced that the Department intended to reconsider all aspects of the approach used to distribute the resources available for year 3 of the scheme. We have also looked again at payments that were made previously for years 1 and 2. I have today laid a written ministerial statement confirming that, in order to avoid the additional delay and uncertainty likely to be caused by further legal challenge, we intend to reward authorities on the basis of a wider set of rateable value change codes than was used previously, in years 1 and 2.

The statement also discusses year 3 payments. It confirms our determination to achieve the policy aim of providing incentives to encourage business growth for local authorities. However, the inclination of a small number of authorities to pursue legal action has created greater complexity, uncertainty and delay. Given that, I consider that it will be necessary to retain a portion of year 3 funding, as a contingency in this final year of the current scheme. I will make further announcements providing more detail on payments for all three years as soon as possible.

Finally on announcements, following the comprehensive spending review in October last year, we announced that a third round of local area agreement reward grant would be available. I can now confirm that the total amount available will be at least £340 million, plus an additional £50 million available in reward grant for more deprived areas, via the working neighbourhoods fund.

In conclusion, the settlement does what it says on the tin. It builds on 10 years of continued real-terms investment; it covers three years; it is tight, fair and affordable; and it reflects many of the arguments that were put to us by local government. It is now for local government to deliver.

8.22 pm

Robert Neill (Bromley and Chislehurst) (Con): I thank the Minister for the usual courtesy that he showed in making the statement.

I welcome one or two aspects of the statement. The first is the straight face with which the Minister managed to deliver it, which is always welcome. Secondly, I welcome his announcement that the Government are going to look at migration figures. As he will know, hon. Members from all parts of the House have repeatedly raised the issue in the Chamber, but have been repeatedly ignored. I therefore hope that his arrival in the Department will presage a genuine change of heart. I hope, too, that when he responds to this debate he will say that not only will the process be internal, but that senior representatives of local government will be involved in all the discussions and working parties from the beginning, because local government has thus far done far more work on the issue than any Government agency.

I welcome, too, the optimistic way the Minister dealt with the Government's retreat in the LABGI fiasco. The simple truth is that the Government have had to back down because legal challenge by local authorities in the courts demonstrated that they had got it wrong. On the basis of welcoming the sinner who repenteth, I take the Minister's comments in the spirit in which they were meant. We hope to have a better scheme in future.

I could not help but smile at the way the Minister presented the settlement as freeing up local government from the dead hand of ring-fencing, when ring-fencing as a percentage of expenditure has increased from one fifth to two thirds under this Government. The Minister's imitation of the grand old Duke of York is therefore immensely welcome.

Finally, I thought that the Minister looked extremely cheerful on the pages of *Local Government Chronicle Plus*, in the image of him smiling, standing before a weather map of the grant settlement. The hon. Member for Tyne Bridge (Mr. Clelland) raised a concern previously, so I am sorry that he is not with us, because a glance at that photograph would have shown a black cloud over Gateshead, a lot of black clouds over London—that will come as no surprise—and cheerful sunshine somewhere in the direction of Rotherham. I am sure that that is pure coincidence—or, as the right hon. Lady, the Minister of State, Department for Transport is here, perhaps there was a good result at Doncaster races.

Having said that and having welcomed the fact that there is a three-year settlement, which gives certainty—that is one thing that local government has wanted—I remind the Minister that when I was practising as a barrister, I would sometimes sit in the cells with clients who would say, "What I want most of all, Mr. Neill, is to know where I stand." The Minister has ensured that local government knows that; indeed, he has given "three years' hard labour" a whole new meaning.

Now that we have heard all the warm words about greater consultation, I hope that it will be carried forward, because the other serious point raised by Government Members—this is about migration, but the concern runs through the piece—is that if we are to have three-year settlements, to which there are benefits, it is all the more important that the methodology is accurate, robust and transparent. However, huge concerns remain on all those fronts.

The Minister brushed over another significant anniversary this year that has a consequence on the settlement. This year, after 10 years of a Labour Government, is the year that statistics will officially confirm that council tax has doubled, with band D now at £1,374. Now I understand why the Secretary of State is not with us to support the Minister in making the announcement—there is a rumour abroad that she is away tonight modelling for the image that will replace Britannia on the back of the 50p piece, in celebration of Labour's achievement in doubling council tax.

To move on to some elements of the—

John Healey *rose*—

Robert Neill: I will happily give way to the Minister—I am sure that he will say something nice.

John Healey: I do not understand why the hon. Gentleman uses band D council tax figures, when fewer than one in six households in the country are in band D.

Robert Neill: I simply followed the practice that his Department has always used, including its press office, and which every independent expert has used. If the Minister wants to use the figures for bands A to C, as the hon. Member for Tyne Bridge did, which comprise 91 per cent., I should be quite happy to deal with that, too.

John Healey: Let me give the hon. Gentleman some other figures then. If he takes the average council tax rises across all dwellings, he will find that the rises this year are less under Labour authorities than under Conservative authorities, that council tax under Labour authorities is lower than under Conservative authorities and that both are lower than under Liberal Democrat authorities.

Robert Neill: The Minister makes an interesting point, but it is a shame that he did not mention certain other figures, which suggest that families will be spending an extra £53 on top of their council tax, thanks to this Government, and which demonstrate that, when considered across all tiers of local authority, Conservative authorities consistently come in at some £50 a year less than Labour authorities. The Government's attempt at obfuscation hides the real concern that underlies this settlement.

The settlement does not address the key issues. We have debated the impact of migration at some length—it is a serious issue—but we have not dealt with the persistent transfer of financial burden and risk that has occurred under this Government. The settlement compounds a move that has taken place right across the period of this Administration to increase the financial risk placed on the local council tax payer and to reduce the exposure of central Government. That is illustrated by the way in which much of external aggregate financing is a recycling of the business rate. The amount of support for revenue support from general taxation is again reduced by the settlement, by a further 29 per cent. That is an enormous shift, and the burden is increasingly being placed on local communities while being taken off the balance sheet of whichever Macavity happens to be in charge of the Treasury. That is all part of the hidden smoke and mirrors with which the Government operate.

Mr. Neil Turner (Wigan) (Lab): The hon. Gentleman will be pleased to know that I am not going to claim bragging rights as a result of what happened between West Ham United and Wigan on Saturday. Will he tell the House, however, whether he is making a commitment on behalf of a future Conservative Government that shifts of money to local level would not happen, and that the Conservatives would give a lot more money to local authorities from central Government?

Robert Neill: I congratulate the hon. Gentleman on Saturday's result, because I would not want to see Wigan go down. If that prevents West Ham from getting into Europe, however, we will have to have a conversation outside.

The key test that we want to apply is to determine whether a system is fair, transparent and open. However, the amount of ring-fencing that exists at the moment militates against such a system. Unfortunately, the methodology that underpins the settlement does nothing to reassure anyone about fairness or transparency.

Mr. Rob Wilson (Reading, East) (Con): Does my hon. Friend agree that fair funding is one of the main unresolved issues this evening? Let me give him an example. Reading and Wokingham authorities are next door to each other, yet Wokingham is the second-worst funded unitary authority in the country. It pays 80p out of every pound towards council tax, whereas Reading pays only about 50p. That is having a massive impact, particularly on social services. In Woodley, in my constituency, that is a major concern. This is all to do with the unfairness of funding, even within a local area.

Robert Neill *rose*—

Mr. Deputy Speaker (Sir Michael Lord): Order. Before the hon. Gentleman responds, may I just say that these are very important and complex matters, but that long interventions—and, perhaps, long responses—mean that time is now moving on? A large number of people are still seeking to catch my eye.

Robert Neill: Thank you, Mr. Deputy Speaker.

My hon. Friend's point brings me to an issue that I was going to address anyway, namely, the question of getting a transparent methodology. The hon. Member for Wigan (Mr. Turner) also referred to this. What we have now is not transparent. Some of us have spent years grappling with damping and double-damping. Before that, we had various other kinds of massaging, all of which is virtually incomprehensible to the average council tax payer. The present situation is coming rather close to a local government version of the Schleswig-Holstein question, and with similar consequences. Of the three people who understand it, one is dead, one is mad and perhaps the other is sitting in the officials' box; I do not know.

The reality has a similar impact in other places. Comparisons that ought to be readily achievable on a like-for-like basis are not. We have just heard of an example in Berkshire. The Department has made it clear that emphasis is being placed on the relative needs and relative resources formula this year, and the Minister has said that particular advantage was given under the formula to authorities responsible for social services and waste disposal. Against that background, however, 29 out of the 33 London boroughs—all of which have such responsibilities—now find themselves on the floor. Tower Hamlets, Hackney, Lambeth and Southwark all now find themselves receiving about three times less support than that going to Rotherham, and about five times less than that going to Blackburn.

Mrs. Sharon Hodgson (Gateshead, East and Washington, West) (Lab) *rose*—

Robert Neill: I shall give way in a few moments.

I do not believe that anyone would say that that fits any set of objective analyses, particularly in respect of the treatment of London, which has some of the most

[Robert Neill]

deprived local authority areas in the country. That does not seem consistent with an open, transparent and rational system.

Mrs. Hodgson: I am grateful to the hon. Gentleman for giving way. He mentioned the complexity of local government finance, including damping and double-damping. People who are less accomplished than hon. Members participating in this debate might not understand the finer points, but what my constituents in Gateshead and Sunderland and I understand is that we now have a better and fairer settlement in the constituency than we had before.

Robert Neill: I am not sure whether the hon. Lady heard the observations of the hon. Member for Tyne Bridge, who spoke earlier and said exactly the reverse. Still, there we are, I suppose that that is the level of consistency that we should expect from Labour Members.

Mrs. Hodgson: To clarify, I understand that my hon. Friend who spoke earlier represents Tyne Bridge. That constituency includes only a part of Gateshead, with the remainder being other parts of Gateshead and parts of Newcastle and Sunderland.

Robert Neill: It seems that it is damper one side of the river than the other. All I can say to the hon. Lady is that when I was a local councillor and was chairman of the social services committee in the 1980s, I was not under pressure to work out how I could fund the meals on wheels service; and when I was chair of an environmental services committee, I was not under pressure to increase charges to provide key services such as bin collection. Perhaps we can talk only on the basis of our experience, and it is increasingly the experience of many local authorities that this is a bad settlement that fetters them. Where authorities have been efficient, it seems that they have not just cut the fat, but had to get right down to the bone. That is the reality of this settlement.

Julia Goldsworthy (Falmouth and Camborne) (LD): The hon. Gentleman mentioned the Minister's comments about increases to social services and waste authorities, but is it not the case that much of the increase in grant to cover waste will simply be recycled straight back up to central Government through landfill taxes?

Robert Neill: The hon. Lady makes a valid point and it is compounded by the Department's announcement earlier this year that it will no longer commit to a hypothecation back to local government of the revenue raised through that system. The hon. Lady is perfectly right; and the Government are making it worse. It seems to us that that is hardly a localising settlement. There is a lack of transparency in the methodology.

Secondly, there is a failure to grasp key issues such as changing demographics. Pressures on adult social care, and increasingly on children and young people, were rehearsed last year by my hon. Friend the Member for Brentwood and Ongar (Mr. Pickles)—and they are getting worse. As a consequence of medical advances, more people are living longer, which often requires more complex interventions. We are also aware of the need for much earlier intervention to help young people with particular difficulties. All those raise significant burdens for the responsible authorities, but they are not adequately recognised in the settlement. What we have seen, then, is failure to tackle the demographic time bomb in respect of adult care and young people, failure to make the system more transparent and, indeed, a shifting of ground on some key issues.

All that in the present context inevitably gives rise to a suspicion, particularly when the methodology lacks transparency, that indices of deprivation can be changed or altered conveniently so that certain parts of the country suddenly become more deprived than they were, which does not fit with people's experience across the piece. If the Government really want the public to trust the system of local government finance, which I do not think they do at the moment, they would have to put it beyond suspicion that the system can be tinkered with to advantage one's friends and disadvantage one's opponents. That is a serious missed opportunity that should have been examined further when we moved towards three-year settlements. It will obviously be down to others to sort that out.

Mr. Andy Slaughter (Ealing, Acton and Shepherd's Bush) (Lab) *rose*—

Robert Neill: I suspect that some reference to some part of west London is about to be made.

Mr. Slaughter: The hon. Gentleman might enjoy such a reference or he might be rather embarrassed by it, but he will have to wait for a while.

All I have heard from the hon. Gentleman is a lot of waffle, preceded by an anecdote about serving meals on wheels in the 1980s. Will he address the central statistical point, which is that in 10 years of Labour Government there has been a real-terms funding increase of almost 40 per cent., whereas in the last term of the Tory Government there was a 7 per cent. real-terms cut? Is that not worth rather more than his anecdotes and waffle?

Robert Neill: I am grateful to the hon. Gentleman for not mentioning Hammersmith, but I must tell him that the statistic that hits most people, including those who voted for him, is that council tax has doubled under Labour. That is probably why the voters evicted the Labour council in his constituency so promptly when they last had a chance to do so, and why he will be next.

Mr. Slaughter: I can give the figures from the top of my head. During the first nine years of Labour Government, Hammersmith and Fulham council, controlled by Labour, increased its council tax by an average of 3 per cent a year. That compared with 9 per cent. in the country as a whole, about the same as the retail prices index. As the hon. Gentleman wants to talk about Hammersmith and Fulham council, he may wish to explain why the budget that it is agreeing tonight makes £36 million-worth of cuts.

Robert Neill: I am sure that the hon. Gentleman will wish to applaud the steps taken by the current Conservative council—which has been able to reduce

council tax by 3 per cent. in fulfilment of its election commitment—and to condemn his party's Government for having increased the floors by what is, by any measure, less than the rate of inflation, thereby imposing a real-terms cut in support for social care and waste services in authorities such as his own. He cannot have it both ways.

My third and final point is this. We must view the settlement in the context of the broader picture of the burdens placed on hard-working families throughout the United Kingdom. All the surveys regularly show that council tax figures are among the top three or four issues identified by people who are concerned about the cost of living. As we know, disposable incomes are being squeezed more and more under this Government. Data produced today demonstrate that they have been reduced by some £1,300 over the last four years.

If we take into account not just the household costs of mortgages and council tax, but the increasing number of charges being imposed for what were once core local government services—of which the Minister insists there should be more rather than less—we see yet more squeeze on people who, in most parts of the country, are hard-pressed already. The settlement does nothing to help that. It will not, I am sorry to say, assist hard-pressed local authorities; it will keep them in a straitjacket. More to the point, it will force householders and families throughout the country to fork out yet again, paying more and getting less. That will be the Government's epitaph, and whether it is written on the back of a 50p bit or on the back of their redundancy notice does not much matter.

8.42 pm

Mr. Neil Turner (Wigan) (Lab): Let me begin by correcting something that I said in a point of order last Wednesday. I said that the hon. Member for Lancaster and Wyre (Mr. Wallace) was paid by the Tote. That information was given to me and I used it in good faith, but I have since checked it and found it to be untrue. I therefore withdraw the remark.

I welcome the settlement. Obviously it is a difficult settlement, as we all knew it would be. As was pointed out by my hon. Friend the Member for Ealing, Acton and Shepherd's Bush (Mr. Slaughter), in the past 10 years there has been a 40 per cent. real-terms increase in the amount given to local government, and clearly it is not possible for that to continue.

Julia Goldsworthy: I wonder whether the hon. Gentleman knows what the 45 per cent. real-terms increase turns into once the ring-fenced schools budget is removed from it.

Mr. Turner: Whether it goes to schools or to the rest of local government, it is still a 45 per cent. increase from central Government for local government services. How it is divided up is neither here nor there.

The settlement puts the emphasis on ensuring that the local authorities with the greatest needs receive the most resources, and I hope my hon. Friend the Minister will ensure that that is continued in the next comprehensive spending round. The Local Government Association called for a three-year settlement which has been agreed to, and I think that all Members welcome that. It gives authorities stability, certainty and an opportunity to plan the services that they will provide over those three years.

David Heyes (Ashton-under-Lyne) (Lab): I agree with my hon. Friend in welcoming the three-year settlement; it gives local authorities such as his in Wigan and mine in Oldham and Tameside the ability to plan in a way that has been absent for many years. Does he agree, however, that we still need to press for continued redistribution to the authorities that are most in need, such as his and mine?

Mr. Turner: Yes, I do. We should look at the distance from target—the difference between the amount of money a local authority should be getting in accordance with the formula and the amount it actually receives. Even though both of our authorities have received very generous settlements, over the three-year period my authority will still have had about £25 million less than the formula says it should have had. The settlement is much better than in previous years, but we are still significantly underfunded. That is why I say that the next comprehensive spending review must work towards payment in full according to the formula, so that we can make sure that that direction of travel is continued.

The Government have maintained the mechanism of floors, which I welcome even though my authority suffers from it, as the alternative would be much worse—not only for my authority but, possibly, for all local government. We should look back to what happened in Wigan in the 1990s: in one year, we suffered a loss—a cash reduction—in external support of some £15 million. That has not happened to any local authority in the past 10 years; not one of them has received one penny less in cash terms, let alone £15 million less. Therefore, I hope that the hon. Member for North-East Bedfordshire (Alistair Burt) will give a commitment in his winding-up speech that a future Conservative Government would continue with a floors arrangement. I should add that that cash reduction took place in 1993-94 and we did not manage to receive the same amount of money as before until the first year of the Labour Government.

The formula is complex, as it is difficult to encapsulate in one formula all the different needs throughout the country; nevertheless, the Government and the Local Government Association negotiate on that formula, and the changes are worked in slowly in order to allow time to adjust. I strongly welcome the end to double damping. It is a tremendous achievement that the Minister has agreed to that—double damping was unsustainable and any phasing that was needed because of the changes to the personal and social services element of the formula could have been achieved by single damping.

The needs and resources element in the formula is also welcome. Because an extra 2 per cent. has been shifted into that element, authorities such as mine and that of my hon. Friend the Member for Tyne Bridge (Mr. Clelland)—which face difficulties and have reduced ability to raise money from their councils because of the number of houses in bands A to C—are better able to fund areas of need. That is extremely important when we also take into account the gearing effect that can arise in authorities with a low tax base.

[Mr. Neil Turner]

It has been said—the hon. Member for Bromley and Chislehurst (Robert Neill) intimated as much—that this is somehow a London and the south versus the north and the midlands settlement, or an urban versus shire settlement, or a Tory versus Labour settlement. I do not believe that at all; it is none of those. It is a settlement that is about the haves versus the have-nots—and, quite properly, the have-nots have won. The London and the south versus the north argument is clearly wrong: Torbay has an 8.6 per cent. increase whereas Gateshead has a 2 per cent. increase, and Redbridge has a 5.2 per cent. increase whereas Liverpool's increase is 2 per cent. On urban areas versus the shires, Reading's increase is 2 per cent. whereas Lincolnshire's is 9.8 per cent., and South Tyneside's increase is 2 per cent. whereas Somerset's is 9 per cent. On Labour areas versus Conservative or Liberal Democrat areas, Labour Sunderland's increase is 2.9 per cent. whereas Conservative Rutland's is 12.7 per cent., Labour Salford's increase is 3.6 per cent. whereas Conservative Dorset's is 11.8 per cent., and Labour Wolverhampton's increase is 3 per cent., whereas Liberal Democrat Cornwall's is 9 per cent.

I am sure that any hon. Member in this Chamber could produce a different set of statistics. The point I am trying to make is that saying this is north versus south, Labour versus Tory or urban versus shire is not a sustainable argument. The only consistent thing is that authorities whose needs are greatest are getting the greatest sums. That is the only pattern proven valid by the statistics.

The movement on the needs and resources element is greatly to be welcomed, but it could be subverted if the floors were too high. That is why I was pleased when we reduced the floors to 2 per cent., 1.75 per cent. and 1.5 per cent respectively over the next three years. If we are to make the necessary changes and allow those resources to move to the authorities that need them at a rapid and sustainable pace, the floors need to be as low as possible. I hope that that approach will continue into the next comprehensive spending review round.

The change from the neighbourhood renewal fund to the working neighbourhoods fund is equally welcome, and I congratulate the Minister on it. One of the things that this Labour Government have shown over the past 10 years is that ensuring that people get into proper, decent, trained work is the best and most sustainable way to tackle, and make a big difference to, poverty and deprivation in this country. Changing the focus from the broader renewal fund to the working neighbourhoods fund, which will tackle worklessness in areas of severe deprivation, will have a huge impact on those local authorities. Building that into the Department for Work and Pensions and having a single fund will be a major step forward in tackling deprivation in our authorities.

I have always been opposed to capping, which was introduced by the previous Conservative Government. We toyed with getting rid of it, but we have had to go back to it for what are, in my view, slightly questionable reasons. Local authorities are answerable to their constituents, so we should not have capping. It should be up to that local—

Mr. Ben Wallace (Lancaster and Wyre) (Con): Will the hon. Gentleman give way?

Mr. Turner: Certainly.

Mr. Wallace: I am sorry for intervening having just arrived, but I understand that the hon. Gentleman referred to me at the beginning of his speech, Mr. Deputy Speaker. Given that I was not present then, perhaps it might be in order if he were to repeat what he said.

Mr. Turner: The hon. Gentleman will be able to read my comments in *Hansard*.

Mr. Wallace: On a point of order, Mr. Deputy Speaker. I understand that it is the custom of the House for an hon. Member to notify another Member should they refer to that Member in a debate or at any time. Given that I have received no such notification, either by e-mail or in writing, from the hon. Member for Wigan (Mr. Turner) following his scandalous accusations against me last week, surely it is in order that he repeat what he said in my absence.

Mr. Deputy Speaker: Obviously, the behaviour of hon. Members is a matter for them. I would just say to the hon. Member for Wigan (Mr. Turner) that in these circumstances it is normal for an hon. Member to advise another hon. Member if they are going to withdraw the kind of remarks that he made. Perhaps, on reflection, he might want to say a brief word about that. If not, the remarks are on record in *Hansard* and they have been withdrawn. Unless he feels it appropriate to say a word about them, I trust we shall move on.

Mr. Turner: In view of your good offices and good words, Mr. Deputy Speaker, I say to the hon. Member for Lancaster and Wyre (Mr. Wallace) that I was given the information in good faith and I used it in good faith. I did not have the time to check it, but I subsequently checked it and found it to be untrue. I have therefore withdrawn my remarks.

I have always opposed capping. It is right that the people who elect a local authority should be able to make choices about the level of services and the council tax that they want. Some local authorities have enjoyed overfunding for several years. In the past, they will have put that money either into reducing the council tax or into additional services. If we restrict the amount of money that they can raise through the council tax, we are saying that their only option is to reduce services. That is not the right approach, and services—especially those relied on by the poorest and most deprived—should not be cut because the Government have requested that the council tax should be reduced. I urge the Minister to review the situation and consider ways in which floors can be removed, so that local authorities can raise the council tax to preserve their services.

Richard Younger-Ross (Teignbridge) (LD): The hon. Gentleman makes a good point about capping. Does he agree that the situation is even worse in areas where the overspend is not due to decisions by the local authority but to impositions by central Government, such as the concessionary bus pass scheme? In some

areas, the scheme will cost more than the authorities are being allowed by the Government. In small authorities such as Teignbridge, that can have a significant impact on the council tax and on other services.

Mr. Turner: The hon. Gentleman provides just one example of what can happen, and we could all give other examples of what will happen if council taxes are not increased to the level necessary to preserve services. As I have said, it is important to have the direct relationship between the electorate and the council, and between the services that the council provides and the amount that it charges. That should be the responsibility of the council, not at the behest of the Government. I hope that the Minister will review the situation and allow local authorities to charge above the 5 per cent. level that has been suggested.

The council tax system is a bad system. The bandings favour the rich and the failure to revalue locked in the growing inequities. It was designed to be unfair and it has become even more unfair as the basic band D council tax increases. The Lyons review proposed several good ideas and we should have a national debate on what kind of system we want for local government. The council tax is not sustainable in the longer term, so we need a system that is sustainable not for just 10 or 15 years, but for 30, 40 or even 50 years. We cannot just change the formula, because that will not solve the problem. We need a change in the system.

The settlement is tight, and we always knew that it would be, but it is fair. It gives those authorities with the greatest needs the resources that they need to address the difficulties that their communities face. I congratulate the Secretary of State and the Minister of State on producing a local government settlement that does that.

8.58 pm

Julia Goldsworthy (Falmouth and Camborne) (LD): It is a pleasure to follow the hon. Member for Wigan (Mr. Turner); especially given his closing remarks, which will chime with much of what I have to say. He opened his remarks by saying that he welcomed the settlement; the Liberal Democrats welcome the fact that it is a three-year settlement, but we do not welcome the settlement itself.

I looked back at last year's *Hansard* and the then Minister—now the Minister for the Environment—heralded that settlement as nothing short of "revolutionary", which speaks volumes about the limits of the Government's ambitions. If the Government had been truly ambitious, we would have had a lot more to welcome today—as the hon. Member for Wigan said.

Instead, we heard the familiar barrage of statistics, with claims and counter-claims about increases and cuts, although the Minister shows an impressive command of the statistics. One of the figures that sticks in my mind was mentioned by the hon. Members for Wigan and for Ealing, Acton and Shepherd's Bush (Mr. Slaughter): the 40 per cent. real-terms increase in local government funding over the past 10 years. However, neither Member took into account the fact that education is ring-fenced. If we take education funding out of the equation, there is still a real-terms increase of 14 per cent., but it pales into insignificance when compared with things such as health funding.

Mr. Slaughter: The hon. Lady cannot have it both ways. Is she saying that she opposes the substantial increases in school budgets that are transforming primary and secondary education?

Julia Goldsworthy: Of course I do not oppose those increases. All I am saying is that if we are talking about trying to tackle the pressures on many services, such as adult social care, the headline figures fail to capture the fact that real-terms increases in local government funding have not been as good as they seem when it comes to their capacity to meet additional demands. That fact is clear, and I am not trying to have it both ways at all.

We can compare the local government funding figures with some equally well-known figures, to which the hon. Member for Bromley and Chislehurst (Robert Neill) referred: council tax has doubled over the past 10 years and will be more than doubled when the three-year settlement is taken into account. When we add to that the fact that take-up of council tax benefit is not 100 per cent., we can see that the pockets of many vulnerable people will be hit hard as a result of the settlement.

Today, and in the initial statement in December, the Minister described the settlement as tight but fair and affordable. Our concern is that it will be more than tight for many people; it will be unaffordable for people who are yet again experiencing above-inflation council tax increases.

The real disappointment is that there were huge opportunities for reform. Since the last settlement, the Lyons inquiry has reported to the Government and raised some valid issues, but they were kicked into touch by the Department. The proposals were not the most ambitious, but were simply suggestions about how to tackle some of the difficulties that people on the lowest incomes face in paying their council tax, recognising the fact that the tax consumes an ever-increasing proportion of their disposable income. Lyons proposed extra bands at the top and bottom of the scale, and the automation of the council tax benefit system to end the scandal that millions of pensioners who are entitled to the benefit do not claim it.

Those proposals for interim improvements were rejected; instead we are left with a complex and centralised system. Members on both sides of the House have talked about the complexity of the formula. They have pointed out that central control has been retained and that the threat of capping still hangs over the head of authorities that feel they simply do not have the resources to focus on what they consider their priorities.

Ring-fencing is still in place, although there has been some erosion. More than half the external income of local authorities is still based on ring-fenced grants. All the talk about damping and double damping, and the fact that it will roll into the three-year settlement, means that it has been difficult for many authorities to get to grips with what their situation really is, and it is extremely difficult for members of the public to understand what is going on.

My local authority in Cornwall has been awarded significant increases, but because they are near the ceiling they have been clawed back to meet the damping on the floor; increasing sums of money are

[Julia Goldsworthy]

being clawed back. If everything is supposed to be moving towards convergence I do not understand why those amounts are increasing.

The hon. Member for Bromley and Chislehurst pointed out that control and centralisation are being exercised at a time when the Government's contribution to local government funding is decreasing. More and more emphasis is being placed on business rates, and direct funding from central taxation is decreasing by 29 per cent. this year. No wonder we face such a difficult settlement. As a result, some areas will find it extremely difficult to cope with its impacts.

My concern is that the settlement leaves many local authorities with a lack of flexibility, especially in terms of dealing with the key issue of demographic change. We welcome the Minister's announcement of a cross-governmental programme of work on the issue with the Local Government Association and the national statistician. However, I am concerned because the opportunity to predict some of those changes has been missed. We have seen the expansion of the European Union, and perhaps it would have been better if the changes that resulted from it had been predicted.

I wonder whether the Minister will comment on how such things might relate to students. In my constituency, the town of Falmouth has experienced an 80 per cent. increase in the 18-to-24 demographic in the past three years. Clearly, that is very dramatic, and it is happening very quickly. So I very much hope that the cross-departmental review will consider issues such as the allocation of housing in the regional spatial strategy, and other significant projects that will clearly have an impact on populations.

I also have concerns about short-term migrants. In rural areas there is a lot of transitory agricultural labour. As well as the extra work that will be generated—for example, in refuse collection, which my hon. Friend the Member for Cambridge (David Howarth) has referred to—I know from speaking to my local district councils that they have felt the pressure of trying to ensure that a lot of those migrant workers are accessing everything that they are entitled to, and that there is compliance with gangmaster legislation. That has taken up significant resources, which might need to be factored into some of the work that they will do.

Simon Hughes: My hon. Friend is making it clear that migration and population are big issues just as much in counties such as Cornwall as in inner London. Does she agree that until we have annual registration for electoral purposes that really works and is up to date, and possibly five-yearly censuses, as opposed to 10-yearly censuses, we will be always playing catch-up, whatever the best intentions? We need a much more effective census and registration process, both for electors and for the other people who may not have the vote in this country but who are entitled to live here.

Julia Goldsworthy: My hon. Friend makes a very good point.

Whether the real cost of providing services is being recognised is an issue, and the best example of that was mentioned by my hon. Friends the Members for Cambridge and for Teignbridge (Richard Younger-Ross): concessionary bus fares. That is a new responsibility, and local authorities are concerned that the real cost simply has not been met. My hon. Friend the Member for Cambridge was trying to make the point that the responsible authority must pay for the outward journey. There is a lot of commuting into Cambridge, and it is paid for by the authorities outside Cambridge, but the return journeys are paid for by Cambridge city council. Clearly, that will have a massive impact on its costs. Can the Minister tell me whether the Government have assessed the true cost of the scheme, as well as the cost of extending it? If they judge that there will be a shortfall, will they meet it?

Richard Younger-Ross: Is my hon. Friend aware that in Devon the scheme has been extended in the past to allow the companions of disabled people to travel? With the new scheme, because funding is so tight and given the fear that, with a good summer, so many tourists will arrive that it will run into deficit, the allowance for companions has had to be withdrawn. Therefore, under the Government's proposals, fewer disabled people will be able to travel.

Julia Goldsworthy: My hon. Friend makes a good point. I wonder whether there will be regional differences, because areas with a large number of visitors from within the country will face greater costs. That is the same for my local authority as it is for my hon. Friend's.

Clearly, although the Minister spoke about recognising additional cost pressures, those pressures and costs are increasing faster than the grant increase. Waste is an example. The Office for National Statistics corporate services prices index indicates that prices are rising annually well above the settlement figures, at between 5 and 7 per cent. per annum.

Of course, the obvious example is adult social services, where the gap between funding and demand is growing quickly, where cost pressures are increasing rapidly, and, of course, where the human cost of failing to meet those cost pressures will be felt most acutely. Last week's report by the Commission for Social Care Inspection made it clear that local authorities across the country are facing similar challenges. Two thirds of local authorities now support only those who have substantial and critical needs, even though councils overall have increased their expenditure on social care for adults in real terms.

The UK's population is ageing rapidly. The change is more rapid in some parts than in others, but it is clear that Government financial support does not reflect that adequately. The Department of Health's response to the report was yet another investigation. Perhaps the Department for Communities and Local Government should consider its response, too. The social care reform grant, to which the Minister referred, is back-loaded. A lot of the resources are loaded towards the end of the three-year period, but the Commission for Social Care Inspection has suggested that they should be front-loaded. Will the Minister look at the issue again when he deals with the remaining two years of the settlement?

I am also concerned about another way in which vulnerable people will be affected. The Minister mentioned the supporting people budget, to which

there will be a real-terms year-on-year cut of 12 per cent. by 2011. The programme assists the elderly, those with disabilities and mental illnesses, and those fleeing domestic violence. A lot of those people will go on to rely heavily on adult social services. That is yet another pressure.

The settlement is not just tight; it badly affects the most vulnerable. My concern is that there may be more cost-shunting from other services. Indeed, that is already apparent. A gentleman whose wife is terminally ill with a brain condition came to see me a couple of weeks ago because an argument is taking place about who is responsible for providing his wife's care. To begin with, it was funded under the continuing care programme, then responsibility was transferred to adult services. The hours of care were then cut, and then he had a telephone call to say that responsibility for provision was moving back to the primary care trust. Clearly, it is an incredibly distressing time for him. He is trying to work to support his family, but he has no certainty about what support he will receive and who will fund it. The concern is that such arguments will continue as cost pressures get ever tighter.

Another issue of great concern is the effect on excellent cross-agency working. Representatives from local children's centres tell me that the first cuts that they are experiencing are to cross-agency working. Health agencies are pulling out because they cannot support the costs. My concern is that local authorities will soon feel the same. We are losing huge benefits.

There is a familiar theme to all those problems. Responsibility is increasingly being passed to the front line, but without adequate resources. The Government are not being honest about the real pressures facing local authorities. That is reflected in the fact that their grant increase is 1.5 per cent. or less in real terms over the next three years. However, the Government are working on the assumption of council tax increases of up to 5 per cent. If there was parity in funding, council tax increases would match increases in central Government grant. There should also be parity in the increases for Government Departments. Overall, there is to be a 2.1 per cent. real increase in public expenditure. There is to be a 3 per cent. increase for education, 3 per cent. for transport, and 3.7 per cent. for health. There is no parity there.

The Minister says, somewhat disingenuously, that local authorities could deliver council tax cuts if they were more efficient, but local authorities are performing well on efficiency targets. According to the latest published figures, councils are set to beat the overall efficiency target by 41 per cent., achieving £4.25 billion of savings, compared with a target of £3 billion. The figures are even more pronounced when we consider cashable efficiency gains: councils beat their target by 122 per cent. In any case, assumed efficiency savings are factored into the settlement that we are debating.

In many respects, local authorities are doing better than the Department. One need only consider the 60 per cent. overspend on the FiReControl IT project to realise that perhaps there are lessons that the Department for Communities and Local Government could learn from local authorities, rather than it being the other way round. The Government are using the efficiency debate to sidestep the accusation that none of their actions on local government finance sit easily with their proclaimed fervour for the devolution agenda. There is no transparency and, most importantly, it is difficult to see a clear line of accountability.

It would be better if the Government acknowledged that council tax is fundamentally flawed, and that there is desperate need for its reform. The Conservatives accept the need for reform but have not come up with an alternative. The Government's performance is disappointing, and again real opportunities for effective change have been passed up. The local government finance system should be designed to be fair to local taxpayers and open in its procedures and finances, and it should reflect priorities at local level. It must be local, so that decisions are made and cash is raised in a manner accountable to local voters, as they simply do not understand how that is done at present. It must be fair, so that it reflects people's ability to pay—the current system does not do so—and open, so that people can see what they get, and could reward or punish their local council accordingly.

Local income tax will achieve much of that: it is fairer on the individual, because it is related to their ability to pay; there is no need for council tax benefit, so millions of people who are entitled to it but do not claim it would benefit; and it is a more buoyant form of revenue, which would give authorities the opportunity to focus on their priorities. However, it is not enough on its own. We need a fundamental change in the balance of central and local funding. The gearing system means that 75 per cent. of local expenditure is still funded centrally, and only 25 per cent. is raised through council tax, which is one reason why there have been larger increases in council tax. Addressing that balance would make the system more transparent. We need to move away from capping and ring-fencing.

Mr. Neil Turner: Does the hon. Lady not accept that if the gearing were shifted, we would have to ask the local council tax payer for an awful lot more money in the first place? Is she proposing that council tax payers should pay substantially more?

Julia Goldsworthy: We have proposed cuts to national income tax as compensation, so there would be a much clearer relationship between what people pay for local services and what they receive. As I said, we need to move away from capping and ring-fencing, and we need a simpler grant mechanism, so that people can understand its relationship to the services that they receive. Surely that is in the spirit of the central-local concordat: indeed, that is what it was designed to achieve. If the Government do not make those changes to local government finance, they will reveal their true colours. They are not committed to devolved decision making, because they are not putting their money where their mouth is.

The Minister who introduced last year's debate said that council tax was not broken. Does the Minister of State accept that this year's settlement pushes it further towards the point of no return, if it has not reached it already? Surely it is time the Government faced up to that reality.

9.16 pm

Mr. George Mudie (Leeds, East) (Lab): I shall be quick, because a number of Members wish to make speeches.

[Mr. George Mudie]

I raised my concerns in an intervention on the Minister, so he will not be surprised to learn that, while I welcome the statement, I am upset—and so is the city of Leeds—by the fact that Leeds has been excluded from the working neighbourhoods fund. He was dealing with statistics when I raised the matter, but some of his statistics put a gloss on the problem, so they should not have been used. If it had been in the fund, Leeds could have expected to receive £54 million over three years. In fact it will receive £12 million. The first year, it will receive over £8 million; the second year, it will be down to £4 million; and in the third year, it will receive nothing. A ratio of 60:40 sounds good, but it disguises or masks the fact that in the third year, Leeds will receive nothing at all from the fund for work in deprived neighbourhoods.

It gets worse. The Minister suggested that funds from the Department for Work and Pensions are tied to the working neighbourhoods fund. The £42 million that we will lose could be the tip of the iceberg if, as a result of the linkage, we do not get into the relevant list of authorities and thus do not get the DWP money. I should like the Minister to deal with that figure when he replies to the debate.

On the same issue, in his final sentences, the Minister indicated another, I think, £30 million—perhaps it was £50 million—was going in to deal with immigration in cities. He said that he had put the figure on the website, and that that money would be distributed. However, it will be distributed only to those authorities in the working neighbourhoods fund, so that is another pot of money that could be used to help the Government and Leeds city council, which is not Labour-controlled, to deal with the huge problems in inner-city Leeds. I would like the Minister to send the leader of Leeds city council and me information on exactly how much we will lose in the three years.

The worst aspect is the fact that we lose the money because of maths—we come down to statistics again. There is a calculation that means that 20 per cent. of areas have to be in the most deprived 10 per cent. nationally. Leeds has 95; if it had 96, it would have qualified for £52 million. In three years' time, it will get nothing because it is one short. That 95 as a percentage of 400-odd works out at 19.96 per cent. The city is excluded for the sake of 0.04 per cent. The Minister will say, and I understand this, "That's tough. When you draw a line, you're either on one side of it, and you cheer"—as my hon. Friend the Member for Wigan (Mr. Turner) cheers—"or you are on the other, in which case, tough!"

As the hon. Member for Falmouth and Camborne (Julia Goldsworthy) knows, because we have debated the issues in Westminster Hall, if people meet the criteria for social care and home care, for example, they get it. What is not said is that, if people do not meet them—many do not, despite their grave problems—they do not exist as far as the Government and local authorities are concerned. There are 149,000 people in deprived areas of Leeds who in three years' time will effectively not exist. There will be no help for them because they have not qualified by 0.04 per cent.

The other aspect is about working neighbourhoods funding and trying to get people into work, which is laudable. In Leeds, 63,000 people are on benefit of one type or another, and are not working. That is the fourth highest level in the country, but Leeds does not qualify for working neighbourhoods funding because of 0.04 per cent.—which will be on the Minister's gravestone at some stage.

I finish by saying this. I plead with the Minister to come to Leeds. I will personally drive him around; he can bring his whole office for protection if he likes. I would not have to take him anywhere other than my constituency—it is desolate. I have made speech after speech, and got into trouble with Whip after Whip, because of what I see in my constituency in the inner city after 10 years.

Every city bar Coventry, which is smaller—Liverpool, Newcastle, Manchester, Birmingham, Middlesbrough, Newcastle—gets the funding because big cities in the western world have prosperous centres, prosperous suburbs and dire poverty in the middle. We all know that, but in the eyes of the Government Leeds has done what New York, Paris and Rome have not managed: its inner city has disappeared. That happened at an administrative stroke because of 0.04 per cent. Poverty, deprivation, crime, drugs, bad health and bad housing have been abolished in Leeds—hallelujah! The reality is pretty dire.

The Minister has said that he is not content with statistics. I hope that there will be a review to see whether the statistics justify taking Leeds, one of the major cities of this country but one with severe inner-city problems, away from Government help on those important issues.

9.24 pm

Mr. David Curry (Skipton and Ripon) (Con): The first thing to say about this settlement is that it takes place under the iron hand of capping. Capping works, because local authorities do not have to rewrite their budgets, and, as this is a three-year settlement, the next three years will be governed by capping—that is as plain as a pikestaff. Secondly, the reason why that is happening is that the Government's finances are in a mess. Years of profligate and ill targeted public spending increases have led to the current difficult prospects. The Government say that the settlement is tough but fair, which is a very British formulation. In a sense, council tax is atrophying because of capping.

The most interesting background to this matter is the report by the Audit Commission, "Positively charged", which shows that £11 billion now comes from fees and services. I did not realise that car parking would emerge as one of the great functions of local government, although it is certainly one of the major functions of Network Rail. That is an important development that can have a disproportionate impact. Some councils are in a position to benefit substantially from charges while others are much less so. The Government have picked at the Lyons report, and Sir Michael has moved on to grander things. He must be disappointed at the small amounts that have been picked out of his report.

I have to say to my own Front Benchers that to the extent that Tory policy is represented by Salome, she is very largely still clothed, and I look forward to having greater revelations than just the ankle, which appears to be the proposal to threaten councils with local

referendums so that local people impose the capping instead of the Government, with precisely the same effect as far as councils are concerned. Meanwhile, the Liberal Democrats recite the case for local income tax rather like old believers in a remote monastery hoping that somebody will eventually attend the services. It has very little to commend it other than the fact that it exists as a policy, which is somewhat distinctive for that party. On business rates, a total silence has descended right around the Chamber—it is a subject that does not speak its name any more.

Three-year settlements are even more subject to things going wrong than annual settlements, and the problems that are faced could get worse. We see rising commodity prices, most particularly in energy, but I also draw the Minister's attention to what has been happening to food prices and the impact that that could have on the costs of local government. We see the relentless demographic pressures. Care of the elderly is the most obvious example, and the cuts there are the easiest to make because they are the least visible. Cuts in education are pretty visible because an articulate group of people has an interest in fighting them. In social services, the impact is much more scattered and so the ability to resist is much reduced. We could see more abnormal weather phenomena, as the Environment Agency calls them. One need only drive on any road that is not a main road to see its deteriorated, rutted, pot-holed condition.

The move to single status has a major impact on many local authorities. Let us hope that in seeking to deal with this settlement at least some councils will have the courage to remove some of the surplus school places, which are a major problem. However romantic it might be to save village schools from closure, the fact is that we cannot afford to maintain in the education system capacity that is not needed.

The Government make great play of what they have done about devolving power—there is supposedly a great devolution agenda. However, as in the case of Lyons, there is precious little real substance. It is desirable, but it does not deal with the issues of financial resources and autonomy, or redress the essential balance of power and competence. It remains a sort of constitutional alms-giving, handed down by Government to a grateful and supplicant local authority.

I want to raise one local issue. On concessionary bus fares, the Government have not got it right, and I hope that for the next two years of the scheme they will look again at the formula. This is bad government. Places such as Harrogate and Scarborough are in exactly the same position as Cambridge; a huge shortfall is projected from any reasonable forecast. The Minister is not going to alter that now, but I hope that he will consider it for future years. He should realise that for district councils, which have a budget of £20 million to £25 million, little pressures such as damping arrangements costing £200,000 or increases in Audit Commission fees accumulate into a significant hit.

Huge issues remain to be addressed in local government: how accountability can be achieved in the important public services of policing and health, one of which has no level of accountability at all; the assertion of representative democracy, rather than the irresponsible empowerment of national quangos or small local boards; and how agendas based on choice can be made manageable and affordable. The settlement does not address those crucial issues and, in effect, the devolution proposals do nothing else.

Meanwhile, we drift. The Government will not take decisions. The Opposition are by and large happy to impale the Government on the unpopularity of council tax increases and coo as far as devolution is concerned, and the Secretary of State is a cheerful cooer. Concordats get us nowhere. I leave the Minister with the thought that there have been two famous concordats in history: one between the Pope and Napoleon, and one between the Pope and Mussolini. I hope that this one has a better fate than those two did.

9.30 pm

Jim Cousins (Newcastle upon Tyne, Central) (Lab): I came to the debate thinking it likely that I would vote against the Government on the settlement. In Newcastle, there has been a failure to recognise a new and growing population of short-term residents, many of whom are young and many of whom have special needs. They are not counted properly in the figures. Tonight, my hon. Friend the Minister has made a statement that gives me some hope that we will sort that problem out. I was also concerned about the Government backing down on the issue of giving councils an incentive to grow business in their area. I acknowledge that my hon. Friend told us that he will move forward on that front. He will make changes, and he will not back down in the face of legal action.

I am also concerned that we cannot build long-term success for children and families and people with care needs in a city such as Newcastle on the basis of minimum grants that get smaller year by year. In his opening remarks, the Minister made a brief reference to the Government's review of care. I hope that when he replies, and at a later date, he will come back to that point because it is important.

I say to the hon. Member for Falmouth and Camborne (Julia Goldsworthy) that we have a Liberal Democrat council in Newcastle, and it has just said that because of the minimum floor, it will have to cut care provision, including the closure of a respite and day centre care home in Shieldfield in my constituency. I also say to her that 300 yd from Napier house, the respite care centre that is being closed down, the same council has bought out the lease of a run-down furniture warehouse at a cost that I believe to be equal to the entire cost of the care budget cuts that the council is considering. Those decisions cannot be passed off on to the Government. This Liberal council says that it cannot modernise Napier house, but its capital funding from the Government has doubled in the last four years. Through economic benefits, it has raised £35 million in capital receipts from non-housing assets. The money was there to modernise that care home.

I can also tell the hon. Lady that tonight in Newcastle another top manager has been appointed in the civic centre, at a cost of £130,000 a year. Top management costs in Newcastle have risen by £1 million a year since the Liberal Democrats took over. The use of consultants is on a spectacular scale, and probably runs to more than another £1 million a year, including the employment of consultants to operate the bulk of the council's internal audit service. That is a poor

[Jim Cousins]

record, which shows that there is plenty of potential for dealing with those problems. Those matters must be addressed.

Robert Neill: Will the hon. Gentleman give way?

Jim Cousins: I am afraid that I cannot give way to Conservative Members, because I must conclude my remarks.

I must also tell the hon. Lady that the Liberal council in Newcastle declared reserves of £100 million at the end of the last financial year. What was that money for, except a rainy day? According to her logic the rainy day has arrived, but the £100 million is in reserve. We must do better.

We must come back next year and see where the Government have got to in recognising population change, in providing local authorities with an incentive to grow business, in funding schools and children's services, and in funding care. Again, I tell the hon. Lady that since the Liberal Democrats took over in Newcastle we have lost 1,000 children from our schools. Another 1,000 children go over the border each day to be educated in other authorities. We would have had an extra £8 million a year in our schools had it not been for the combined effect of that.

For the moment, my hon. Friend is on notice in respect of what he must do in the next 12 months. I shall tell my constituents in Newcastle that in dealing with those issues through the local council we should freeze the cuts, the increases in top management, the use of consultants, and council tax for the next year. We should look closely at the council's reserves. Local and national Government are now under question. I ask questions of the local council and the Government tonight. Over the next year, we will seek to resolve those issues.

9.37 pm

Mr. Robert Syms (Poole) (Con): I intend to make a few brief remarks about Poole borough council. It is an excellent, well-run council but it is 43rd out of the 46 unitary authorities when it comes to funding. Its formula funding per head is £191.95 whereas the average for unitary authorities is £376.96, nearly twice as much, and the highest is £603.31, which is three times as much. The authority is struggling and having great difficulty containing council tax because of all the burdens on it.

We mentioned the concessionary transport scheme earlier. Poole loses out: there is a funding gap of some £500,000 in that scheme, which falls on the council tax payer. Poole has had to put an additional £1 million a quarter into services for older people, £481,000 into services for those with disabilities, and £91,000 into waste services. Equal pay is also a major issue for local government, and Poole council will probably have to put £500,000 into that. However, in the three years of the settlement, Poole's increases will be 2.2 per cent., 1.8 per cent. and 1.5 per cent. That is about half the increase announced earlier by the Minister.

Nobody would expect Poole to be at the top of the table, or even necessarily in the middle of the table. The real concern for Poole borough council is the spread of funding between those at the top and those at the bottom. A lot of services cost the same anywhere, such as teachers' salaries and so on. That is putting real pressure on my constituents.

The Minister said that the settlement is tight. It is a tight settlement nationally, but it is a very tight settlement for those authorities that are funded at similar levels to Poole borough council. Things will be very difficult over the next three years. Poole has brought in some very low council tax increases for two or three years, but it looks like this year the increase will have to be 4.9 per cent. That is a pity. Many of my constituents have assets in the form of homes but are income poor and struggle to pay the rising council tax bills. The Local Government Association pointed out the major costs that local authorities face this year, for example, social care and migration. It stated that, in its opinion, there was a £1.3 billion shortfall. As we have heard, specific taxes on local authorities, such as landfill tax—the £144 million that goes back to the Treasury—and the changes in court charges, will place a much larger burden on local government.

My principal point is that I believe that my constituents are being unfairly treated. That applies not only to local government but police, fire and rescue and a range of other matters. Our outcomes are not too bad, but that is difficult to maintain against a general background of poor funding. I suspect that, to do the subject justice, I need to apply for an Adjournment debate, but I wanted to make those brief comments in the debate tonight.

9.40 pm

Mr. Andy Slaughter (Ealing, Acton and Shepherd's Bush) (Lab): I pay tribute to the Government for the increase in local government finance of 20 per cent. on average nationally that they have provided over 10 years and for the three-year settlement, which is welcome. It provides some certainty as well as scope for considerable growth over time. As my hon. Friend the Member for Newcastle upon Tyne, Central (Jim Cousins) said, it focuses the spotlight on the competence of not only central Government but local government. I shall please the hon. Member for Bromley and Chislehurst (Robert Neill) by using Hammersmith and Fulham as an example of the way in which councils can go off the rails.

Before I do that, I cannot resist commenting on the remarks of the hon. Member for Falmouth and Camborne (Julia Goldsworthy). She related again the story of the magic money tree, in which the amount of money from central Government was too little, the council tax was too high and services were too stretched. Given all those parts of the equation, from where do Liberal Democrats expect the money to come, except out of taxpayers' pockets? It is always their way, but I thought that, given that they have had some experience of government locally, even though they have none nationally, they would be less naive in proposing such policies.

In response to the interest that the hon. Member for Bromley and Chislehurst showed in what happens in west London, yes, it is possible to maintain and improve services while keeping council tax increases

low, as was done under a Labour Government and a Labour council for nine years. As I said, the average increase in that time was 3 per cent. in council tax against 7 per cent. for London or nationally. Even with a tighter settlement, 3 per cent. efficiency savings and some difficulty, it should be possible to continue to protect council services. Yet, as I have said, the council cabinet in Hammersmith and Fulham will tonight agree £36 million of cuts. I doubt whether that figure will be equalled by any other local authority in the country. It is a rejection of the increases in funding that the Government have provided over years.

That may not be as bad as it sounds because, when one examines the detail, £12 million is described as efficiencies from outsourcing. I am not sure what sort of bank loan one would get if one asked for £12 million on the basis of such a one-line comment. Every contract that has been let—a £10 million refuse contract is being let tonight—has come in over budget. The chances of achieving any of those savings is therefore slim. There is a figure of £2.5 million for savings from debt reduction. Yet only 25 per cent. of the asset sales have been achieved so far, against officer advice that many of the sales were to the detriment of the local authority. Perhaps that should be cause for a cheer because those cuts will not go ahead. However, because the budget is being set in a way that demands such cuts, those perhaps innocent-sounding cuts will now constitute further cuts in front-line services and services for vulnerable people.

The authority had its comprehensive performance assessment almost a year ago. It has not been published because the authority is challenging, for the third time, its content, on the basis—I assume—that it is not happy with the findings. Last week, an arm's length management organisation in the authority was given one star, with poor prospects of improvement. If that is not turned around in the next year, decent homes money of tens of millions of pounds will be lost to council tenants.

The overall effect for my constituents will include a 40 per cent. increase in meals on wheels charges; a 50 per cent. increase in parking charges in some areas; all charges, including rents, increasing by at least twice the rate of inflation; charges for recycling; a consultation on charging for home helps, despite an assurance to the contrary in the manifesto less than two years ago; the sale of assets from youth clubs, community centres, homeless hostels and secondary and primary schools; the closure of public toilets; the cutting of maintenance for pavements, again against officer advice; the cutting of the play schemes subsidy; the cutting of grants for school uniforms for poorer families, and for music and drama awards; the closure of reference and mobile libraries; an overall cut of up to 25 per cent. in voluntary sector budgets; the withdrawal of home help services for 1,400 people; and the sacking of 166 home helps. In addition, concierge services on housing estates will be reduced and residential caretaker services ended, even though they are the main measures that control crime and antisocial behaviour on estates, and there will be a 5 per cent. year-on-year cut in the housing revenue account budget.

I appreciate that such levels of cuts—or abominations—are not typical even of Conservative authorities; all that I would say to the Opposition is that if they wish to disown them, they now have an opportunity to do so. If they wish to associate themselves with those cuts, that will be the sort of standard in public services expected of them if they ever get back into government.

9.46 pm

Alistair Burt (North-East Bedfordshire) (Con): I congratulate my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) on his performance at the Dispatch Box in opening for our side and on dealing so ably with such a cunning fox on the other side. The Minister is a good man and handles his brief incredibly well, but his cunningness is such that he was able to carry off with great insouciance some of the things that he had to say, which my hon. Friend picked up so well.

To use a football analogy that will be familiar to one or two hon. Friends, when a defender has ruthlessly cut down the forward running through and committed the most atrocious foul, he protests to the referee with the grandest of gestures, claiming that it could be nothing to do with him. When the Minister talks about a tight financial settlement as if it were an act of God and not the responsibility of the Government, who have spent a colossal amount over the past 10 years and are now having to pull the horns in, it is the political equivalent of spreading one's arms out to the referee and saying, "Nothing to do with me, guv," but we know that it is. That is what my hon. Friend spotted, and I look forward to his contributions on the subject for some time to come. I am glad that he is there and I am not.

The settlement is wrong for two reasons. First, it is disingenuous. The general public understand inflation and think that if a council gets more than inflation, everything must be all right and that the money should be coming through effectively, but with the rise of 1 per cent. above inflation or whatever it is, the Government are giving the public the sense that, should there be any rises or cuts in services, they must be the council's fault. However, the Minister knows full well—this has been well documented by hon. Members in all parts of the House—that the cost pressures in local government in some areas go well beyond 1 per cent. or whatever the gentle increase above inflation represented by the three-year settlement is.

Social services have been mentioned, and they include not only care for the elderly, but special needs care for the youngest. Fortunately, more young children with complex and special needs now survive infancy. The cost of that generation as it grows is substantial and mirrors the cost at the other end of life, when those who are fortunate to be living longer have a greater need for more expensive care. These pressures have not yet been fully compensated for in the settlement, and it will be some time before they are.

Colleagues have mentioned waste and highways. Some local examples from Bedfordshire will illustrate the disingenuousness. I pay tribute to the three local authorities in Bedfordshire with which I have close dealings, but they are coming to an end, because of local government reorganisation. The Conservatives have run two of them and been the majority party on the other, and all three have done remarkable things over the years. Bedfordshire county council has moved

[Alistair Burt]

from having a rating of no stars to three in less than two years. Mid-Bedfordshire district council gets consistently good ratings for its local government performance, and Bedford borough council, on which Conservatives are in the majority, is rated an excellent council.

I pay tribute to those councils in passing, but each of them can provide an example of the difficulties that the settlement will produce. In regard to social services care for the county, there is the floor issue. For the third consecutive year, the county council will lose money. Being a floored authority has cost it £5.8 million, which has put £39 on the council tax. The local authority business growth incentives scheme—LABGI—will also cost it money.

Bedford borough council reports that the next three years' increase in the amount given for the concessionary fares scheme has been calculated by the Government at £450,000, £460,000 and £470,000. The extra £10,000 a year hardly covers inflation increases, and does not say much for the anticipated increase in the numbers of people using the buses. Two or three years ago, Mid-Bedfordshire district council was rate-capped for having the audacity to raise its band D council tax by £1 per month. The hon. Member for Wigan (Mr. Turner) will understand this. It is now trying to provide weekly waste collections and to do the recycling that the Government want it to do, but it is not getting the support that it needs and will be in difficulty.

My first charge is that this is a disingenuous settlement, and that it will not deliver what the public expect. We could have seen better. The second thing that is wrong with it is that it does not take the opportunity given to it by the three-year change of delivering one of the things that Lyons spoke of, and that my right hon. Friend the Member for Skipton and Ripon (Mr. Curry) mentioned. It could have taken the opportunity to cut through the question of who is responsible for the increases and what the respective responsibilities of the Government and the local authorities are.

Many of the contributions tonight have dealt with that dilemma. Colleagues have tried to say that, if the Government are responsible for one thing, the local council must be responsible for another. The Government just sit and let the blame be passed on. The Lyons report said that:

"an independent and authoritative voice is needed to provide better information on funding to inform the public and parliament about the impact of new burdens on local government and the evidence of future pressures."

Lyons could see that the confusion between the responsibilities of the Government and of local government was eating away at the public's understanding of local government and of where responsibility for public finance lay. That is reducing the public's confidence. If all they ever see of national and local politicians is an endless passing of the buck, they will end up saying, "A plague on both your houses."

The need for greater transparency is something that we have all recognised in the past few days in another context. The Government could have taken this opportunity to do what Lyons suggested, and to put in place a mechanism to provide that independent voice and to look authoritatively at the responsibilities of local government and of Parliament and central Government, and at the future pressures. The Government need to answer the conundrum by asking where fault and responsibility lie, and who should be credited with certain changes. That would address the serious issue that is affecting the heart of local government and people's relationship with it.

The Minister is a fair man who is interested in these issues. I think that he heard me speak on this subject at the local government finance conference in December. I truly would like to see the Government take away that suggestion in the Lyons report and do something with it. If they did so, we would not have to deal with a disingenuous settlement in future. Instead, we would be dealing with a measure that met the concerns of colleagues on both sides of the House. We would have an honest and authoritative arrangement in which we could attach blame where blame truly lay, and in which credit could be given where it was rightly due. That would provide better settlements in the future, and I hope that the Minister will address that point. I hope that those on our side will also do so in due course.

9.54 pm

John Healey: It would be fair to say and would be acknowledged that I gave way a great deal during my opening speech and answered many of the pressing questions put by hon. Members on both sides of the House. It would also be true to say that all Members from all parties have worked closely with their councils and raised strong concerns in their contributions to the debate. Some speak with significant experience of local government and central Government finances.

Mr. Eric Pickles (Brentwood and Ongar) (Con): Will the Minister give way?

John Healey: At this stage, given that I gave way so much earlier, I shall not.

I was talking about hon. Members with significant experience, and they include my hon. Friends the Members for Leeds, East (Mr. Mudie), for Wigan (Mr. Turner), for Newcastle upon Tyne, Central (Jim Cousins) and for Ealing, Acton and Shepherd's Bush (Mr. Slaughter). It is also true that some Opposition Members speak with the same significant experience, including the right hon. Member for Skipton and Ripon (Mr. Curry), and the hon. Members for Bromley and Chislehurst (Robert Neill) and for North-East Bedfordshire (Alistair Burt). We have heard some reflective contributions in a good if slightly short debate.

My experience of seven or eight months of doing this job and being in the position to take decisions on how to distribute £27.5 billion suggests that almost every one of the 456 authorities in England feels that it has a special case and that it has in some way been uniquely disadvantaged by previous Government decisions. It is also the case that doing this job is not generally likely to win one many friends. However, let me read out to the House brief excerpts from two representations that I received during the consultation—in total, 340 representations were received from 246 authorities and organisations.

The first said that the settlement in December

"turned out to be a pleasant surprise for the... Council... We felt it only right and proper to write and say thank you for your work and your decisions this time".

The second said:

"We all know resources are significantly constrained under CSR07 settlement. That is why it was crucial to ensure that how the resources allocated to local government were suitably sub-allocated to individual authorities was done fairly. I believe you have got that allocation in the form of the provisional settlement broadly right".

which is why the letter was written to "express thanks" to the Department. The first came from the Labour leader of Lancashire council and the second from the Tory leader of Kent council. I say to the hon. Member for Bromley and Chislehurst that it could not be clearer that that gives the lie to any accusations that this settlement is somehow riddled with geographical or political bias.

I also have to tell the hon. Gentleman that it does local government a disservice when he dismisses it, saying that people are getting less from more funding for local government. The latest Audit Commission figures show that four out of five councils—up from two thirds a year ago—are rated either good or excellent. They show that nine out of 10 councils provide good value for money and that where more than half of people are satisfied with their council, they rightly expect it to save money. In doing so, councils must show that they have maintained or improved local services in order to count any of their savings as efficiencies.

My hon. Friend the Member for Wigan chairs the all-party SIGOMA—special interest group of municipal authorities—and I welcome his welcome for the settlement. I thought that, by and large, he made a balanced speech. He was right that the settlement means that those with the greatest needs will get the resources. He also reminded us of the experience of local government under the previous Conservative Government—four years of real cuts under the Tories running up to 1997 have been followed by 10 years of above-inflation rises.

This settlement and those increases, combined with tough capping action, have helped bring down council tax increases, and, following its introduction in 1993, three of the four lowest rises in council tax have occurred in the past four years.

We will not hesitate to use our capping powers to protect taxpayers from excessive increases, but this is a settlement for three years. It provides greater flexibility and more resources, and is backed by more than a third of a billion pounds to help councils improve, innovate and cut inefficiency. Responsibility for delivering the settlement now rests with councils. I commend the settlement and the report to the House.

Question put:—

The House divided: Ayes 278, Noes 45.

Division No. 69] **[10 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cousins, Jim
Crausby, Mr. David
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Ellman, Mrs. Louise
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Iranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Ann
Kemp, Mr. Fraser
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Mackinlay, Andrew
MacShane, rh Mr. Denis
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David

Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Sheridan, Jim
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Mr. Neil
Twigg, Derek
Vaz, rh Keith
Vis, Dr. Rudi
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek

Tellers for the Ayes:
Mr. Bob Blizzard and Steve McCabe

NOES

Baker, Norman
Barrett, John
Beith, rh Mr. Alan
Brooke, Annette
Browne, Mr. Jeremy
Burstow, Mr. Paul
Burt, Lorely
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Davey, Mr. Edward
Featherstone, Lynne
Foster, Mr. Don
Gidley, Sandra
Goldsworthy, Julia
Harris, Dr. Evan
Harvey, Nick
Heath, Mr. David
Horwood, Martin
Howarth, David
Hughes, Simon
Huhne, Chris
Hunter, Mark
Kennedy, rh Mr. Charles
Kramer, Susan
Lamb, Norman
Laws, Mr. David
Moore, Mr. Michael
Mulholland, Greg
Pugh, Dr. John
Rogerson, Dan
Rowen, Paul
Sanders, Mr. Adrian
Smith, Sir Robert
Syms, Mr. Robert
Taylor, Matthew
Teather, Sarah
Thurso, John
Webb, Steve
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Winterton, Ann
Winterton, Sir Nicholas
Younger-Ross, Richard

Tellers for the Noes:
Bob Russell and Willie Rennie

Question accordingly agreed to.

Resolved,

That the Local Government Finance Report (England) 2008-09 (House of Commons Paper No. 262), which was laid before this House on 24th January, be approved.

DELEGATED LEGISLATION

Northern Ireland

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Delegated Legislation Committees).

That the draft Northern Ireland Arms Decommissioning Act 1997 (Amnesty Period) Order 2008, which was laid before this House on 4th December, be approved. *[Mr. Roy.]*

Question agreed to.

MODERNISATION OF THE HOUSE

Ordered,

That Mr Adrian Sanders be discharged from the Select Committee on Modernisation of the House of Commons and John Hemming be added. *[Mr. Nicholas Brown.]*

COMMITTEES

Mr. Speaker: We shall take the next three motions together.

Ordered,

Justice

That Mr Humfrey Malins be discharged from the Justice Committee and Mr Andrew Turner be added.

Scottish Affairs

That Mr David Hamilton be discharged from the Scottish Affairs Committee and Mr Jim McGovern be added.

Administration

That Frank Dobson be discharged from the Administration Committee and Mr Tom Clarke be added. *[Rosemary McKenna, on behalf of the Committee of Selection.]*

HMP Chelmsford

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Roy.]*

10.14 pm

Mr. Simon Burns (West Chelmsford) (Con): I am grateful for the opportunity to raise the subject of the report by Her Majesty's inspector of prisons on Chelmsford prison on the Adjournment, given that it came out only last week. I hope that the Minister agrees that the report raised some important issues that need to be addressed as a matter of urgency. That is why I sought this debate.

Chelmsford prison is a Category B male local prison with a certified accommodation level of 570 prisoners, but it suffers from overcrowding, with an actual number held of around 680 to 690 prisoners. Prison officers do an excellent job in very difficult circumstances, given the strains and tensions placed on the prison by the number of prisoners held there.

Over the past 10 years the prison has been inspected several times by Her Majesty's inspector of prisons, in both announced and unannounced inspections that have highlighted several problems. As a result, I am pleased to say, measures were taken to seek to rectify those problems. That is why it is so worrying that the latest report, following an announced inspection on 9 to 13 July last year, has highlighted so many serious problems. To add to the confusion, the annual report by the independent monitoring board at HMP Chelmsford for 2007, which in part covers the period of the HMI report, paints a far more positive picture of what is going on in the prison. I should be grateful if the Minister would comment on why there are some fundamental differences between the two reports, and say which report portrays a more accurate assessment of the situation.

The most worrying problem that has emerged is the number of suicides in the prison. Until the end of 2006 there was one suicide a year. That is one suicide too many, but one can be heartened that the rate was below the national average for suicides in prisons. However, since May last year there have been four suicides in the prison. That is a deeply disturbing increase. I appreciate that it is difficult for the Minister or others to comment on the cases because inquests have not yet been held on all the suicides, but does the Minister have any idea why there has been such a dramatic and tragic increase in the number of suicides in the prison over the last 10 months, compared with the prison's previous record?

The HMI report was damning on the subject of bullying, self-harm and suicide. Section 3 of the report states that everyone inside a prison should feel safe from bullying and victimisation. However, section 3.1 states that:

"A significant number of prisoners felt unsafe at Chelmsford. Bullying was a serious problem among the young adult population."

Ann Owers stated that some 40 per cent. of prisoners felt unsafe at the time of the inspection, which is a staggeringly high proportion. Although an anti-bullying co-ordinator had been appointed, and the procedure for identifying bullying had been improved, she goes on to say that

"there was still some under-reporting of incidents. Improvement targets for bullies were weak...and arrangements for victims were poor."

On the subject of self-harm and suicide, the report states that the expected outcomes should be that

"Prisons work to reduce the risks of self-harm and suicide...Prisoners at risk...are identified and a care and support plan is drawn up, implemented and monitored."

However, section 3.18 of the report says:

"Despite previous recommendations, Listeners and Insiders were not available in reception...Overall access to Listeners was generally poor. Initial self-harm monitoring assessor reports lacked detail, and there were insufficient monitoring entries that demonstrated positive engagement by staff."

Will the Minister explain why previous recommendations concerning listeners were not implemented at the time, and what has now been done to ensure that the prison follows best practice?

Will the Minister also explain why, following the suicide in October 2006 of a prisoner who had been placed directly on C wing because of overcrowding, and when the ombudsman had recommended after his investigation that listeners and insiders should be available in reception, the proposal was once again rejected by the establishment? Given what has happened since, it is important that we are told exactly why that recommendation was rejected at the time. Can the Minister confirm that implementation of the recommendation, which took place during the most recent inspection, is continuing?

Will the Minister outline what is being done to implement the report's recommendations for minimising opportunities to self-harm and commit suicide? The recommendations were, first, to improve the quality of initial assessment, care in custody and teamwork—ACCT—reports; secondly, that staff monitoring entries in ACCT documents should demonstrate a high level of engagement with the prisoner; thirdly, that prisoners were to have 24-hour access to listeners, and, fourthly, that CCTV should not be used as an alternative to observation of and engagement with prisoners at risk of self-harm.

I am slightly confused, however, because section 9 of the independent monitoring report, which deals with the issue of safer custody, portrays a slightly different assessment of the situation from that given in the HMI report. I accept that the HMI report went into much greater detail about self-harm and suicide, but the independent monitoring report is far more positive, and less critical, than the HMI report about what was going on during the same period. The independent monitoring report covers the whole of 2007 whereas the HMI report is a snapshot of a four-day period in July 2007, but would the Minister care to give an opinion as to why the two reports seem on the face of it to be sending out different messages about a critical point, given what has happened in the prison over the past year?

I am sure the Minister agrees that everything possible must be done to minimise the opportunities for self-harm and suicide among prisoners. Will she assure me that everything will be done to implement recommendations in the report that have not already been acted on, to ensure that Chelmsford prison is safer and enjoys the most sophisticated best practice so that we can put an end to the ever-increasing number of suicides?

[Mr. Simon Burns]

I appreciate that a number of factors have contributed to the situation highlighted in the report. One is overcrowding. Given the pressures on our prisons at present and the time it takes to find extra capacity in the system, I accept that we cannot reverse the overcrowding problem immediately. However, in view of the pressures on staff and the tension in the prisoner population caused by overcrowding, what can be done to try to alleviate the problem on a short-term basis until a longer-term solution can, we hope, reduce overcrowding and return the prison to the situation of about seven or eight years ago?

I have a further plea to make to the Minister. The independent monitoring report requests a response from her on its recommendation that the time that elapses between a death in custody and the holding of an inquest should be speeded up. Although the report accepts that steps have been taken to try to reduce the time between deaths in custody and inquests, the writers felt that nothing had actually happened to reduce the time, so I urge the Minister to address the problem. Does she have any ideas or recommendations as to how one might expedite the process so that inquests are heard far nearer to the time when the tragedy occurs? That would be in the best interests of the system as a whole: it would help to give closure to the parents, families and friends of those who die so tragically, and it could also help to identify precisely what went wrong in individual cases, and what recommendations could be made to try to ensure that no tragedy occurred again as a result of whatever cause led to the suicide in question.

I should like briefly to touch on another area highlighted by the HMI report: education and employment in the prison. I personally believe that prison serves two purposes: punishment for the individual and, equally importantly, an opportunity for rehabilitation. However, rehabilitation can be achieved only if prisoners reach a certain level of education. The HMI report shows that nearly a third of people in Chelmsford prison had been unemployed and a further third had been involved in activities that provided no skills or qualifications. It is critical, to assist with rehabilitation and minimise reoffending rates, that levels of literacy and education be raised among prisoners. That will give those prisoners a golden opportunity to make a fresh start on release and to minimise their opportunities to reoffend. They will have gained a level of literacy and education that not only incentivises them to try to find employment but makes them more attractive to employers, so that in the very difficult circumstances of released prisoners, they can secure jobs.

In that respect, Chelmsford prison has been extremely fortunate, because it has benefited from the work of Jackie Hewitt Main, who has created the Mentoring 4 You programme. Using research on the prisoners, she has identified that a significant number of them suffer from dyslexia, which is, of course, the root of a great deal of illiteracy in the prison system and, for that matter, outside the prison system. She has established a programme in which other prisoners are engaged to help prisoners who suffer from dyslexia and dyspraxia to overcome or minimise their literacy problems. It is an exciting and potentially very beneficial programme, but like many other good ideas, it suffers from funding problems.

I urge the Minister to liaise with her colleague the Under-Secretary of State for Innovation, Universities and Skills, the hon. Member for Tottenham (Mr. Lammy) I hope to do so, too, personally if I can secure a meeting with him. He is responsible for the funding of such programmes in our prison system, and we could try to persuade his Department to provide funding for that imaginative and important scheme. I also urge her to study the reports that have been conducted on the Mentoring 4 You programme in Chelmsford prison, because they are very positive and hopeful. If she were to agree with my analysis, and that of Ofsted, that the project is positive and worth while, she should consider rolling out the programme to other prisons, so that other prisoners can benefit from that sort of programme and enjoy the same benefits as those enjoyed by prisoners in Chelmsford prison. That will help to enable prisoners with dyslexia and dyspraxia to reduce their illiteracy and give them an opportunity to take positive steps forward, so that when they are released there is the beneficial impact of minimising the likelihood of their reoffending.

In conclusion, I believe that the HMI report has highlighted some important problems and issues at Chelmsford prison, especially given the suicides in the prison in the past nine months. We must move forward; we must ensure that best practice is employed and that everything is done to minimise a repetition of what happened. We must never lose sight of the fact that the management and prison officers are doing an extremely good job, often in difficult circumstances. We must give them the support and assistance to rectify the problems highlighted in the report, so that when Her Majesty's inspectorate of prisons revisits the prison, it sees serious improvements in the regime.

We can talk for as long as we like about the problems and how to identify them, but what is important is getting solutions. We have to make sure that talk leads to action, and that we ensure a better, safer environment not only for prisoners but for prison officers, so that they can carry out their job and serve society.

10.30 pm

The Parliamentary Under-Secretary of State for Justice (Maria Eagle): I congratulate the hon. Member for West Chelmsford (Mr. Burns) on securing the debate. He is well-known for taking an interest in the prison in his constituency. I thank him for that, because visiting prisons and making sure that one is fully aware of what goes on in them is not top of every hon. Member's list. However, it clearly is close to the top of his list, and I congratulate him on that.

The hon. Gentleman set out in some detail the findings of the report on the inspection that Her Majesty's inspectorate of prisons carried out between 9 and 13 July 2007. The report was published on 24 January this year. It made more than 150 recommendations and, as is the case with all inspection reports by the inspectorate, an action plan will be produced that responds in detail to every one of the recommendations. The action plan will be provided to the chief inspector of prisons and I will approve it. The

chief inspector acknowledged in her recent annual report that the Prison Service responds positively to her reports and accepts over 95 per cent. of her recommendations. We are determined that, as we follow the processes, the correct lessons will be learned, and the correct actions taken.

I can report that there has been progress. The chief inspector's report was published only recently, but the inspection took place six months ago, and the Prison Service and Chelmsford have been getting on with trying to implement her recommendations and dealing with the issues that she rightly raised. A good deal more progress is in the pipeline. In view of the concerns that the chief inspector listed, and which the hon. Gentleman has repeated, I think that it would be appropriate for me to highlight some of the things that have been done to carry out the chief inspector's recommendations. In cataloguing the progress made, I do not seek to downplay in any way the seriousness of her findings. I hope that the hon. Gentleman will bear in mind that we fully intend to continue to bear down on the faults that she identified.

The prison is coming to the end of a new building and refurbishment project that has provided a 120-bed unit and workshops for brickwork, woodwork, plumbing and electrical work. It also provides additional classroom space, and there is IT-based learning through Learn Direct. An extension to the gymnasium facilities is nearing completion. The extension will provide additional purposeful activity spaces and includes a new shower area. After numerous surveys, the governor believes that a solution to the problem of not being able to provide showers consistently on B and C wings has been found, and work is to start shortly to improve the water pressure on those Victorian wings. That should do something to improve the situation and end some of the problems that the chief inspector highlighted.

There is no doubt that the standard of accommodation varies widely across the establishment. New wings are coming into use, but there are inherent difficulties with some of the Victorian wings, which it is impossible to remove. We have to do what we can with them.

The prison has reviewed the processes in reception, which has resulted in newly received prisoners spending less time in the area, and being moved to the first-night centre to complete the process. The centre provides a better environment for staff and prisoners to complete risk assessments and medical documentation.

Listeners and insiders are used regularly in reception, but because less time is spent in reception, the need is met predominantly in the first-night centre. There are 12 listeners, who have been trained by the Samaritans, and the prison also uses insiders—experienced prisoners who receive training and provide valuable support in the first-night centre, where they interview all new receptions, and offer advice and support at peer level.

The anti-bullying policy has been reviewed, and staff and prisoners are fully aware of the processes. The prison has introduced prisoner wing anti-bullying representatives—trusted and experienced prisoners who can help staff in identification of, and support for, prisoners who are subject to acts of bullying. That has provided an opportunity for victims of bullying to report safely and freely any such acts, allowing them to be dealt with in a timely and efficient manner.

Since the inspection, the location for vulnerable prisoners has been changed from the Victorian D wing to the new G wing, which provides the vulnerable prisoner population with a safer environment, where main prisoner moves do not affect the regime of those on the unit. Young offenders have been moved from C wing and integrated across the establishment, which has allowed the prison to manage the more volatile, gang-related culture in a more holistic manner. The area manager is seeking to reduce the young offender population, which has recently risen. Two thirds of the population are from out of the area, the majority of them from London.

The prison has looked at the use of control and restraint, and it has introduced a use of force review, in which the governor, the head of operations, the safer custody manager, the control and restraint instructor, and a representative of the Prison Officers Association meet to review the previous month's incidents. Since the inspection, there has been a marked reduction, I am happy to say, in instances of control and restraint, adjudications, and the use of special accommodation and body belts, which were mentioned by the inspector in her report. In fact, body belts have not been used in the past six months, and special accommodation usage has also reduced by 55 per cent. in that period.

At the time of the inspection, staffing was a major problem, and the establishment had a shortfall of about 25 officers at the end of August. I am pleased to report that, as a result of a major recruitment drive, the prison is in a much more stable position, with a much more manageable shortfall of six officers, and it should be up to complement by March.

Key to the prison's response to the chief inspector's report and the implementation of her recommendations is the staff response. The hon. Gentleman was right to say what a great job the staff do, and how difficult it can be. I acknowledge the truth of what he says. Like him, I wish to place on record the Government's thanks for the efforts of staff at all levels. He referred to individuals who have done outstanding work, which he has seen on his visits, but they all do a good job, often in trying circumstances.

One way in which prison management can determine staff morale is to look at the number of staff who engage in the annual survey. I am pleased to be able to report that the number of staff taking part in the survey rose from 26 per cent. to 65 per cent. last year, indicating a greater engagement. People think that it is useful to fill in the survey, so it is a good pointer to improved morale. The governor is right to believe that morale is improving and that staff want to be involved in taking the prison forward.

In the remaining time, I wish to deal with specific points made by the hon. Gentleman. He rightly raised the issue of self-inflicted deaths in custody, particularly the three deaths in six weeks at Chelmsford. I should say at the outset that every death in prison affects families, staff and other prisoners deeply. Ministers and the Prison Service are completely committed to reducing the number of such tragic incidents. Following the most recent death on 8 January, the Prison Service undertook an immediate review of systems and practices around suicide and self-harm at Chelmsford. The key findings were that staff across all the areas in the prison that were visited were knowledgeable about safer custody

[Maria Eagle]

issues, and motivated to provide a good level of care; and that the reception was well run, although a number of suggestions have been made about its general layout and the provision of resources such as health care and listeners, and the further identification of high-risk groups.

Assessment, care in custody and teamwork documents, the care planning system for prisoners at risk of suicide or self-harm, were of a good quality overall. There were common areas for development, including an overlap between the assessor and the case manager role, a lack of clarity in the required frequency of conversations and observations, and the recording of those.

Before the review, we were all aware that the four most recent self-inflicted deaths, dating back to May 2007, happened on different wings and at varying times of the day and involved a mixture of sentenced and unsentenced prisoners who had been at Chelmsford for varying lengths of time. There seemed to be no particular, discernible pattern. Thankfully, the review has highlighted no extra issues that might indicate a disturbing institutional problem. Staff at the prison are obviously very concerned and distressed at the spate of recent deaths and will continue to take that aspect of their work extremely seriously. There are numerous examples of groups of close-together deaths at various establishments, and they always have a traumatic effect. It is right for us to seek to learn every possible lesson to minimise such activity.

The hon. Gentleman made some points about outstanding inquests. Five inquests relating to deaths at Chelmsford are currently outstanding. The earliest case involved a death in October 2006. One of the issues is that the Prison Service's and probation service's ombudsman has to produce his report before the inquest can go ahead. The report on that case was received in October 2007. The inquest is scheduled for May 2008. The coroner is awaiting reports on the other four deaths; that is often one of the things that holds up inquests. We need the inquests to be carried out as swiftly as possible for the benefit of all—not only for the deceased's family, for whom it is a very distressing time, but for staff and other prisoners, so that any lessons can be learned. We encourage the speediest possible process, so that the inquest can go ahead as quickly as is commensurate with proper investigation.

The hon. Gentleman mentioned differences that he perceived in tone and outcome between the chief inspector of prison's report and the independent monitoring board report. We have only just received the IMB report and I have not yet had the chance to respond properly to it. However, I can say that the chief inspector of prisons and the IMB are independent and entitled to report as they see fit. The main difference between the two is that the IMB sees the prison operating day in, day out and goes in frequently to work alongside staff and prisoners. Naturally, its members develop an affinity for the establishment. Perhaps it is rather different for the chief inspector, who goes in for a few days to form a view to base her report on. She also goes to other establishments and so can compare and contrast. All I can say is that I guess they look at a prison from slightly different angles. I certainly intend to answer fully the questions raised for my attention in respect of the IMB report.

The hon. Gentleman asked what is being done to implement recommendations to minimise the opportunities for self-harm and suicide, and I have said a little about that already. We certainly intend to bear down on that issue, which was raised in both reports. It gives some clue on why there has been such a spate of self-harm. As the hon. Gentleman acknowledged, such things are not easy to pin down. However, there is no doubt that we are fully committed at the establishment and Government levels, and with others, to try to make sure that we minimise the incidence of self-harm and suicide. We need to focus on that particularly, given what has recently occurred at Chelmsford—

The motion having been made after Ten o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at sixteen minutes to Eleven o'clock.

House of Commons

Tuesday 5 February 2008

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

PRIVATE BUSINESS

BOURNEMOUTH BOROUGH COUNCIL BILL [*LORDS*]

CANTERBURY CITY COUNCIL BILL

LEEDS CITY COUNCIL BILL

Orders for Second Reading read.

To be read a Second time on Tuesday 19 February.

LONDON LOCAL AUTHORITIES (SHOPPING BAGS) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Tuesday 19 February.

MANCHESTER CITY COUNCIL BILL [*LORDS*]

NOTTINGHAM CITY COUNCIL BILL

READING BOROUGH COUNCIL BILL

Orders for Second Reading read.

To be read a Second time on Tuesday 19 February.

Oral Answers to Questions

HEALTH

The Secretary of State was asked—

NHS Dentistry

1. **Mr. Christopher Fraser** (South-West Norfolk) (Con): What assessment he has made of levels of access to NHS dentistry. [184142]

The Secretary of State for Health (Alan Johnson): Some 27.9 million people in England saw an NHS dentist during the two years ending on 30 June 2007. We are committed to improving further access to NHS services. We have increased central funding by 11 per cent. for 2008-09 and are requiring the NHS, through the operating framework, to increase the number of patients able to access NHS dentistry year on year. Given that prevention is better than cure, today we are launching guidance to strategic health authorities on consulting with their local populations on water fluoridation, which is known to reduce tooth decay. A central budget totalling £42 million over the next three years has been established to meet the capital costs of fluoridation.

Mr. Fraser: Under the current contract, dentists are paid the same for fitting one filling as they are for fitting 10. Some are refusing to treat patients with the poorest teeth. Does the Secretary of State think the arrangement the best way to improve NHS dentistry, particularly for high-needs patients?

Alan Johnson: The new contract was the best way forward. In fact, an NHS dentist is not allowed to refuse to treat patients with the poorest health. Under the old system, there was an absolute incentive to drill and fill. If a dentist moved away from the locality, the local patient population lost out. The famous queues in Scarborough happened under the old system, not the new. Although the new contract has taken time to settle down and although it was not popular with the profession—sometimes we have to do things not popular with the profession if they are necessary to help patient care—we have made improvements in dental care.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): Despite the fact that the local population is growing rapidly, Milton Keynes primary care trust has successfully used the new funding formula to fund the opening of new NHS surgeries. Today on the NHS Choices website it is possible to find access to at least half a dozen NHS surgeries in Milton Keynes. Is the Secretary of State rolling that example out across the country, given that it appears that some other PCTs seem not to know how to use the new system effectively?

Alan Johnson: My hon. Friend has seen huge advances in Milton Keynes, and we have also seen those around the country. Every PCT now has a free helpline for people to ring if they want to access dental treatment. There has been a 20 per cent. increase in the number of dentists since 1997 and there is a 25 per cent. increase in the number of training places at not only the existing dental schools, but the two new ones that we are building. Access to NHS dentistry is getting better all the time.

Sir Paul Beresford (Mole Valley) (Con): I doubt whether the Minister will agree with me completely—[HON. MEMBERS: "Hear, hear."] There is an impression that I have a small interest in this subject. The Secretary of State may not agree, but I personally believe that access should be measured according to the numbers of dentists prepared to offer national health service treatment, regardless of whether the patients accept such treatment or choose to go private. Regardless of what the Secretary of State has said about the contract, it has hurt a lot of dentists, particularly the experienced ones. Many have moved out. What could and will the Secretary of State be prepared to do to the contract to attract those highly experienced professionals back into offering national health service treatment?

Alan Johnson: I pay tribute to the hon. Gentleman, not least for his work on fluoridation over the years. In response to his question, yes, there was an initial drop—this was a very controversial change; Governments have to do things that are controversial if they believe that that is in the interests of patient care. Of the disputes around the country, only 14 remain to be resolved. As regards the new dentists coming through, I find, without any inference as to the hon. Gentleman's age—he looks to

me like one of the younger crop—that there is a difference between the younger dentists and their enthusiasm for the brave new world under this contract and some of the older dentists. I would like those who have left to come back, but it is a decreasing problem given the number of new dentists coming through.

Charlotte Atkins (Staffordshire, Moorlands) (Lab): Does the Secretary of State recognise, though, that some PCTs have been slow and have given insufficient priority to commissioning dental care services? Having said that, does he agree that the single most effective way of reducing inequalities in oral health is to fluoridate the tap water in selected areas?

Alan Johnson: On the first point, my hon. Friend is right about some sluggishness in PCTs in commissioning these services. That is why we have made it a tier 2 issue in the operating framework this year and increased funding by 11 per cent. On the second point, I pay tribute to the work that she too has done on fluoridation over the years. I entirely agree, as do the British Medical Association, the British Dental Association and every reputable scientist who has considered it, that extending fluoridation is the best way to close health inequalities.

Paul Rowen (Rochdale) (LD): Following the comprehensive spending review, the Secretary of State announced targeted funding for additional GPs in areas where there was a shortage. Has he any proposals to do the same to recruit dentists, because in places such as Rochdale and the north-west there is a real shortage and they are not reaching people at the moment?

Alan Johnson: As I mentioned, we have a 25 per cent. increase in the number of undergraduate students coming through. We have built two new dental schools, one in Plymouth and one in Preston, which will open this year. That will do an awful lot to resolve the problems. However, I am interested in looking at any possible solutions if we have the equivalent of under-doctored areas, so I would not rule out considering such ideas.

Mr. Kevan Jones (North Durham) (Lab): Will my right hon. Friend join me in congratulating Durham PCT and Associated Dental Practices, which has opened the new Pelton Lane Ends surgery in my constituency, bringing dental health care to 3,600 patients, in some cases for the very first time?

Alan Johnson: I am pleased to join my hon. Friend in congratulating the new dental practice. Following the comments of my hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey), that once again shows that progress is being made right around the country.

Mike Penning (Hemel Hempstead) (Con): The 3 million residents of this country who do not have access to an NHS dentist will be astonished by this complacency. The report by Citizens Advice is much more interesting than some of the comments coming out from the Minister's office. With £2.6 billion of taxpayers' money being spent on NHS dentistry and people pulling their teeth out with pliers and using superglue to put their caps back on, why is the Secretary of State so complacent?

Alan Johnson: Anybody pulling their teeth out with pliers needs more medical care than a dentist can provide. The hon. Gentleman may have seen the splendid letter from the Under-Secretary, my hon. Friend the Member for Brentford and Isleworth (Ann Keen), which was sent to all Members of the House to counter this ridiculous nonsense going around about dental services—ridiculous nonsense that unfortunately Conservative Front Benchers have taken to parroting.

Family-Nurse Partnerships

2. **Mr. Graham Allen** (Nottingham, North) (Lab): What assessment he has made of the potential contribution of nurse-family partnerships to the development of Nottingham as an early intervention city. [184143]

The Parliamentary Under-Secretary of State for Health (Ann Keen): The family-nurse partnership early intervention pilots target support towards the most vulnerable first-time mothers, primarily under the age of 20. For the very first time, we are starting early in pregnancy and continuing until the child is two years of age. We would be very happy to receive a good-quality bid from Nottingham and any other bidders for the next wave of pilots. We will assess the quality of all bids against the published criteria.

Mr. Allen: The health partnership and the PCT in Nottingham are well aware of this issue and are doing excellent work on intensive health visiting. OneNottingham, the local strategic partnership, regards that as key to breaking the intergenerational nature of deprivation in our city and the underachievement that goes with it. Does the Minister agree that this Government should have a long-term ambition that every young mother and child should get the level of intensive health visiting that they need as a way of breaking that cycle and reducing the massive bills of social failure that come as a consequence of not being properly parented in those first couple of years?

Ann Keen: I welcome my hon. Friend's support for the family-nurse partnership programme, and I congratulate him on his work to develop early intervention and prevention in Nottingham. I am aware of the interest that he has shown over the years, and he is a strong advocate. Health visiting and universal care for children, with qualified clinical nurses, is critical. I welcome the interest shown by all PCTs and local authorities in the intervention that family-nurse partnerships can offer. However, my hon. Friend will understand that as the bidding process is under way it would not be right for me to support any particular area.

Cancer Services

3. **Andrew Selous** (South-West Bedfordshire) (Con): If he will make a statement on the funding of cancer services in (a) Bedfordshire and (b) England. [184144]

The Parliamentary Under-Secretary of State for Health (Ann Keen): The national health service has seen unprecedented increases in funding for cancer services.

Such spending has increased from £3.4 billion in 2003-04 to £4.35 billion in 2006-07. In 2006-07, Bedfordshire primary care trust spent £17.9 million on cancer services. As the hon. Gentleman will know, it is for individual primary care trusts to decide the level of funding that they allocate locally for the diagnosis and treatment of cancer patients in their local population.

Andrew Selous: More than three times as much is spent per cancer patient in the constituency of the hon. Member for Nottingham, North (Mr. Allen) than is made available for my constituents. When will the Government bring in a truly fair funding formula that will mean we are no longer two Englands—a phrase that independent academics recently referred to in the Health Committee—when it comes to health care?

Ann Keen: On spending, it has been agreed by Members of all parties that local primary care trusts know the needs of their area best. We have already extended breast screening to all women between the ages of 50 and 70; we have introduced bowel cancer screening programmes, which are the first in Europe to target both men and women; and we have seen major reductions in waiting lists.

Patrick Hall (Bedford) (Lab): I can tell my hon. Friend that none of my constituents has complained about access to cancer services in Bedfordshire, although there is always a wish to see improved services. Does she agree that one of the drivers that helps to underpin improvements in cancer services is an effective system of patient and public involvement? Therefore, does she share my concern that on 1 April the Bedfordshire PPI forum will be abolished with no likely replacement LINk system in place?

Ann Keen: My hon. Friend would have a serious point if local involvement networks—LINks—were not in place. LINks will only strengthen the patient's voice, not only in the health service but for social services. I always agree with the idea of involving patients and the public. That is why our cancer reform strategy has been so successful; all stakeholders including all the cancer charities were involved and it has been welcomed by those charities.

Alistair Burt (North-East Bedfordshire) (Con): The Minister is right to say that decisions must be taken locally, but is she not able to see that a PCT can take decisions on spending only according to the money it is given? The issue raised by my hon. Friend the Member for South-West Bedfordshire (Andrew Selous) is that the variables and differentials in certain areas have widened so much that it is not possible for an area such as Bedfordshire to compete or to give necessary treatment to its patients. That distinction in the variables in the formula has now stretched so far that is affecting access to care. This is a matter of justice.

Ann Keen: The hon. Gentleman's point concerns me, because there has been an increase of over 5.5 per cent. for all PCTs. I encourage him to engage more fully with his PCT to look at how certain areas are operating the very best practice. I know that results within the hon. Gentleman's area for the incidence of cancer and its outcomes are still very good indeed.

Kelvin Hopkins (Luton, North) (Lab): My hon. Friend will be aware that Luton has serious health inequalities, which have persisted over many years, while at the same time receiving funding well below its fair funding target. Things are starting to improve, but will my hon. Friend ensure that Luton gets its fair funding target at least, and that its health inequalities are properly addressed?

Ann Keen: It is my belief that no one is more than 2.5 per cent. away from their target. I urge my hon. Friend to work closely with his PCT and to keep discussing the issue. It is critical to all hon. Members to have the equity that we all want for our constituents.

Mark Simmonds (Boston and Skegness) (Con): Expenditure on cancer services in the UK now matches that of many other European countries. Yet despite the significant investment by British taxpayers in cancer services—an extra £693 million over three years—UK five-year survival rates have not accelerated and are among the worst in Europe. If the UK achieved the European best cancer survival rates, more than 34,000 lives would be saved every year. Why has the extra expenditure not improved survival rates?

Ann Keen: I cannot be clear that that information is the most up to date and I urge the hon. Gentleman to check the figures. There is an increase in survival rates and improvements throughout the cancer sector, as all experts and charities have recognised. We still have some difficulty in this country with people being aware of what to look for, so that when they present at their general practice the GP can diagnose quickly. More work is being done on raising awareness. However, I urge the hon. Gentleman to check the facts.

Tanning Salons

4. **Mr. Mohammad Sarwar** (Glasgow, Central) (Lab): What consideration he has given to amending the regulatory regime for tanning salons. [184146]

The Minister of State, Department of Health (Dawn Primarolo): The Department of Health is reviewing options for the regulation of tanning salons with stakeholders, including the Health and Safety Executive and Cancer Research UK. It is important to consider ways in which to strike the balance between consumer safety and choice. We will focus initially on the harm to young people who use sunbeds.

Mr. Sarwar: The Minister will be aware that recent research suggests that sunbeds may be responsible for 100 deaths every year from skin cancer. Is not it time that, perhaps with the support of the Health and Safety Executive, a full review is conducted of commercial salons, with a view to drawing up legally enforceable guidelines for their management and operation?

Dawn Primarolo: I stress the importance of striking the balance between consumer safety and choice, while ensuring that the potential harm to those who use sunbeds, including young people, is made clear. The figure that my hon. Friend cites for the increase in deaths that are attributed to sunbeds is shocking. The review will consider several matters, including the

recommendations of the World Health Organisation and restricting the age of those who use the beds. We will also ensure that correct information about the dangers is available to those who use sunbeds, and we also need to consider the role of local authorities.

Mr. Nigel Evans (Ribble Valley) (Con): It appears that demand for services from the beauty industry such as tanning, Botox injections and teeth whitening is increasing—*[Interruption.]* I have no interest to declare. [HON. MEMBERS: "Shame!"] I know.

When the services go wrong, it can be physically damaging and stressful for those involved. Will the Minister's review go wider than tanning to include the whole beauty industry, including the fillers that are put into people's faces, to ensure that it is properly regulated?

Dawn Primarolo: The specific review to which I referred is, following from the cancer strategy, to consider sunbeds and the connection with skin cancer.

The hon. Gentleman raises another important matter: access to treatments that are normally paid for privately and may have health consequences for the individuals involved. The MHRA—Medicines and Healthcare products Regulatory Agency—covers several of those matters, but he is right to make the point about whether fuller advice to individuals who seek such treatments is available and where it should be available.

Mrs. Siân C. James (Swansea, East) (Lab): What updates does the Minister have on any discussions between the Department and the Department for Work and Pensions about the publication of leaflet IND(G)209 on sunbeds?

Dawn Primarolo: I think that my hon. Friend is referring to the review that the Health and Safety Executive conducted to look specifically at guidance on controlling the health risks of using UV tanning equipment—at least I sincerely hope that that is the reference number. If that is indeed the leaflet to which she referred, it will be published shortly.

Homeopathy

5. **David Tredinnick** (Bosworth) (Con): If he will take steps to encourage the development in the NHS of patient-centred practices as employed at the Royal London homeopathic hospital. [184147]

The Minister of State, Department of Health (Dawn Primarolo): The Department is investing around £3 million to build capacity for research into complementary and alternative medicine, to strengthen the evidence base. As the hon. Gentleman will know, it is for health care organisations to make informed decisions on the funding and commissioning of services for their local communities, based on evidence, safety, effectiveness and the availability of treatments from suitability qualified practitioners.

David Tredinnick: Is the right hon. Lady aware that, despite the support that she has described, one fifth of PCTs have cut services in integrated health care in the past two years? One problem in particular is the possibility of Camden PCT withdrawing support for the Royal London homeopathic hospital, despite its employing integrated services which have cut the costs of treatments for some conditions, such as irritable bowel syndrome, by between 50 and 100 per cent. Will she look carefully at the problems there and perhaps issue some guidelines?

Dawn Primarolo: I am sure that the hon. Gentleman will agree that primary care trusts have the responsibility to commission the very best care that they can for their local populations. In considering the role of complementary and alternative therapies, PCTs need to take account of the evidence on clinical and cost-effectiveness. I am aware that a number of PCTs are reflecting on precisely those points, which is influencing the contracts that they place. However, for a member of a party that supports local decision making, it ill behoves the hon. Gentleman to question it when things do not quite go his way.

Rob Marris (Wolverhampton, South-West) (Lab): In this country we use a lot of recycled water, but I am surprised that water, which supposedly has a memory, does not have a memory of the faeces that were in it and thereby make us all sick. My right hon. Friend has referred to research, but against that background is she aware of any peer-reviewed medical research that indicates that homeopathic medicine works through anything other than a placebo effect?

Dawn Primarolo: I am aware that some—including, it appears, my hon. Friend—are not impressed with homeopathic medicine. However, when I referred to complementary and alternative medicines, I was referring to a much broader base of practices. The whole point of the research is to build up the capacity to make evidence-based decisions about complementary therapies.

Dr. Evan Harris (Oxford, West and Abingdon) (LD): The Minister says that the decision is for commissioning authorities. However, if the Government believe in evidence-based commissioning as they say they do, is there not a role for them in issuing guidance or at least in asking the National Institute for Health and Clinical Excellence to issue guidance, so that PCTs do not spend resources on treatments that have no effectiveness? If the effectiveness of treatments such as homeopathy is zero, there can be no cost-effectiveness to them.

Dawn Primarolo: I am sure that the hon. Gentleman will be aware that the recent Select Committee on Health report on NICE made recommendations about the shortfall in good quality research evidence on the cost-effectiveness of different types of public health interventions, including complementary therapies. The Government will respond to that report in due course. The issue for the Department is to ensure that PCTs are aware of the evidence where it is available. We would certainly wish to consider where it is appropriate for NICE to consider complementary therapies alongside other treatments.

Quality and Outcomes Framework

6. **John Austin** (Erith and Thamesmead) (Lab): What progress has been made in agreeing the GP quality and outcomes framework. [184148]

The Secretary of State for Health (Alan Johnson): We are seeking to reach agreement with the British Medical Association to use resources from redundant indicators in the quality and outcomes framework for improving patient satisfaction, with access as a key indicator of quality. We are also proposing to use other resources within the contract to fund extended opening by practices. The BMA has decided to poll its members on the package. We hope that GPs will support our proposals to improve services for their patients.

John Austin: I wonder whether the Secretary of State has seen the recent evidence showing that only one in 10 women who have suffered a fragility fracture have been referred for a bone scan to discover whether they have osteoporosis. The figure for men is one in 50. I am sure that the Secretary of State is aware of the cost-effectiveness of early diagnosis of osteoporosis. Will he therefore ensure at an early stage that performance indicators for osteoporosis and incentives are built into the quality and outcomes framework? Does he agree that it would be foolish if money that could be available for osteoporosis was diverted into more flexible surgery hours, given the potential savings to the NHS from preventing secondary fractures?

Alan Johnson: I pay tribute to my hon. Friend for his work on the all-party osteoporosis group. Let me make it absolutely clear that this is part of some of the misinformation flying around about the very complex area of the quality and outcomes framework points. There has never been any incentive within the framework to treat osteoporosis. We are dealing with a number of points in the system—and therefore money paid to GPs—that are now redundant. We all agree that they are redundant. We want to use those points for greater access. The BMA has suggested that they be put towards issues such as osteoporosis, virtually as a piece of propaganda to strengthen its position—[HON. MEMBERS: "Ooh!"] The word propaganda is obviously an unparliamentary term.

I say to my hon. Friend—who I know takes a deep interest in this issue, as do many others—that this is not about our not putting money into these areas. We just do not believe that GPs need to be incentivised in such areas. We believe that we should put more money into the national service framework for older people in order to tackle osteoporosis; and we should fundamentally ensure that people can get to their GP, which is the first step to dealing properly with any ailments, including osteoporosis.

Dr. Richard Taylor (Wyre Forest) (Ind): What consultation with patients and the public has taken place in the discussions on the GP quality and outcomes framework?

Alan Johnson: We have dealt with patient groups throughout the process. I mentioned that some points are redundant, and I do not think that there is any argument that GPs should be incentivised to do things that they should already be doing—for instance, writing out a person specification for job adverts to recruit staff to their practice. There should not be incentivisation for things that should be done as a matter of course. There is no disagreement with patient groups about that. About 6 million people in our patients survey said that they want improved access to their GP in the evenings and on Saturdays, which is why we are seeking to reach a negotiated settlement with the BMA.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): Is the Secretary of State aware that no one would deny the need for the Department to ensure good value for money in the health service? It is unfortunate that a very inexact contract was prepared for general practitioners. Does he accept that, whatever developments there are, the introduction of private health care, particularly from America, where I am sorry to say the state is unable to provide adequate health care for its own people, would not only undermine the confidence of general practitioners in the national health service, but would cause grave doubts for many hon. Members who believe that this is a service worth preserving?

Alan Johnson: I do not agree with my hon. Friend that the contract was a mistake or inexact. In fact, during the period leading up to 2004, we had a crisis in GP recruitment. We could not recruit undergraduates from medical schools and we had an ageing group of GPs. A huge shortage of GPs was the big worry at that time, but our medical schools are now full—that problem has been resolved. I also do not agree that GPs who are called out at 4 o'clock in the morning should be expected to deal with patients and difficult cases at 9 o'clock when their surgery opens. The issue about working hours applies to GPs as well as others.

On my hon. Friend's second point, we are not seeking to introduce private practice into these areas. We are seeking to negotiate with the BMA for greater patient access. We want to bring more GPs into under-doctored areas, which have been appallingly treated in the past. The basic point is that customers and patients should get the service that they deserve. I hope that that will be in our present GP practices, but, if not, we will provide those practices in some other way.

Several hon. Members *rose*—

Mr. Speaker: Order. May I say gently that I must be able to call Back Benchers whose names are on the Order Paper?

Mr. Henry Bellingham (North-West Norfolk) (Con): This is a short question, Mr. Speaker. Did the Government miscalculate the number of points that GPs would earn in the quality and outcomes framework?

Alan Johnson: What we are quantifying in this instance is about £200 million for the number of points that are being moved around the system. There is no disagreement about that; the disagreement is about where to spend the money.

Social Care (Individual Budgets)

7. **Sarah McCarthy-Fry** (Portsmouth, North) (Lab/Co-op): How he plans to make individual budgets available to social care users over the next three years; and if he will make a statement. [184149]

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis): Local authorities will receive an annual social care reform grant in addition to mainstream resources over the next three years to support the radical transformation of social care in every area. Personal budgets for the vast majority of those receiving public funding are at the heart of that vision.

Sarah McCarthy-Fry: On Sunday I visited the Patey day centre in my constituency, which provides help for sufferers of dementia. I welcome the Government's announcement of the first ever national dementia plan, which I hope will stress the importance of enabling sufferers to stay in their own homes for as long as possible. Does my hon. Friend agree that individual social care budgets are vital to achieving that aim?

Mr. Lewis: I entirely agree. It is important that at long last we, as a society, are bringing dementia out of the shadows by establishing the first ever national dementia strategy. It will reflect the fact that dementia affects an increasing number of families, and is a pretty horrendous disease to cope with. The purpose of family budgets is to give families maximum control, power and choice over the care that is provided. They are in the best position to decide on the best way of responding to their own needs. When family members are not there to help people exercise that control and choice, advocates will be available to ensure that a personally sensitive service is provided.

Dr. Vincent Cable (Twickenham) (LD): Is the Minister aware of the dilemma faced by many seriously disabled people who reject the highest level of care available because it involves a transfer from social services and direct payments, which give them control over their lives, to the national health service, where they do not have that?

Mr. Lewis: The hon. Gentleman has raised an important point. We are committed to a fundamental review of the care and support system this year, to assess our ability to achieve a fairer funding settlement that redefines the respective responsibilities of state and citizen. One of the issues that we must consider is the relationship between the national health service, local government and the voluntary sector in every local community.

Clive Efford (Eltham) (Lab): Will my hon. Friend consider the problems faced by disabled people who, on engaging carers, effectively become employers? When my hon. Friend the Member for Erith and Thamesmead (John Austin) and I met disabled lobbyists recently at the House, they described their difficulties and the need for guidance and advice. They also pointed out that the different rates paid by local authorities can create problems of recruitment and retention. Will my hon. Friend consider providing some guidance?

Mr. Lewis: I agree with my hon. Friend. One of our reasons for organising a fundamental review of eligibility criteria is the inconsistency of decisions on funding to meet people's needs, both within and between local authorities.

My hon. Friend referred to the difficulties experienced by people receiving direct payments who employ their own staff and take responsibility for their own care. As we incorporate the new arrangements in the mainstream social care system, one of the challenges for the Government is to ensure that we take account of all the barriers and obstacles that prevent people from exercising self-determination. The belief that disabled and older people have a right to self-determination is entirely consistent with the long history of our party's values.

Mr. Stephen O'Brien (Eddisbury) (Con): If—as we all agree—the use of individual personal budgets and direct payments for social care needs to be massively expanded, they need to be widely available. What is the Minister's response—and let us have some action, rather than yet another review such as the one that he mentioned—to last week's report from the Commission for Social Care Inspection? The commission found that in 2005-06 alone seven out of 10 local authorities restricted their services to people with substantial or critical needs, that there was a wide disparity in the levels of care and help provided even in the same areas, and that as a result 281,000 people in need of help were receiving none while another 450,000 were receiving less than they needed.

Mr. Lewis: The action that the hon. Gentleman calls for is the social care transformation that will begin in every local authority area in April; it will last three years and it is funded by half a billion pounds of social care reform grant. At the heart of the agenda will be personal budgets for the vast majority of people receiving public funding; information, advice and advocacy for everybody, irrespective of their means, including self-funders, who are all too often left on their own; and a shift to prevention and early intervention, so that we move away from current eligibility criteria, under which, for example, it appears to be nobody's responsibility to do anything about an older person who is lonely or isolated. From 1 April there will be a three-year transformation agenda in every local authority area, and later this spring the Prime Minister will announce a new deal for carers. That is action.

Paramedics (East Lancashire)

8. **Mr. Gordon Prentice** (Pendle) (Lab): How many paramedics there are in east Lancashire; and how many there were two years ago. [184150]

The Minister of State, Department of Health (Mr. Ben Bradshaw): The data are not collected for east Lancashire. However, there were 1,175 paramedics in the North West Ambulance Service NHS Trust in 2006. The figures for 2007 will be available in March but, nationally, paramedic numbers have risen steadily over recent years, from 6,245 in 1996 to 8,222 in September 2006.

Mr. Prentice: It is regrettable that the figures for my area are not available because blue light accident and emergency services moved from Burnley to Blackburn on 1 November, which has prompted huge local concern that the transfer is not delivering the benefits that we were told to expect. Is my friend satisfied with how the move has gone, and will he meet me and other concerned Members from east Lancashire to discuss the problems in my area?

Mr. Bradshaw: I am always happy to meet Members. If my hon. Friend has specific examples or evidence of where he thinks the reorganisation has not gone well, I will happily look into them even before we have a chance to meet. I do not think it makes sense, however, for Ministers in Whitehall to second-guess the way that local health services and ambulance trusts organise their services. I am sure that my hon. Friend is aware that three additional ambulances have been taken on to help with the reorganisation. The accident and emergency services were not centralised in Burnley, and I am, of course, aware that concern was expressed there in particular, on account of that fact, but, interestingly, the figures do not point to a large increase in the number of people presenting themselves in Blackburn instead; there has been only about a 5 per cent. change.

Smuggled Tobacco

9. **Mr. Eric Illsley** (Barnsley, Central) (Lab): What recent discussions he has had with other Government Departments on the public health effects of smuggled tobacco. [184151]

The Minister of State, Department of Health (Dawn Primarolo): Tackling the problem of tobacco smuggling is a major priority for the Government. The illicit trade in cheap tobacco is helping to sustain high levels of smoking, particularly in deprived communities and among young people. My officials are working in co-operation with a range of organisations and stakeholders locally and nationally to tackle the problem.

Mr. Illsley: My local authority health scrutiny commission met last week to discuss that issue. It is a problem in my area because much of the local smuggled tobacco is counterfeit, which means that it is full of dangerous chemicals, and much of it is targeted at young people. As a consequence, health conditions are worsening because of those poor-quality cigarettes and young children are getting health problems at an earlier age. Smoking cessation programmes have been a success story, so can my right hon. Friend give any encouragement to my area about the possibility of those programmes being extended, in particular to children—

Mr. Speaker: Order.

Dawn Primarolo: My hon. Friend raises an important point about access to smuggled tobacco, particularly in areas of high deprivation where smoking levels among adults and young people remain high compared with the rest of the country. It is necessary to establish co-operation between the local authority, trading standards, the local health providers and local community groups—I am glad to hear that that has started in his local area—to get across a clearer message about the damage that smoking tobacco, whether contraband or not, does to health.

Maternity Services

10. **Sir Nicholas Winterton** (Macclesfield) (Con): If he will make a statement on levels of recruitment and retention in maternity services. [184152]

The Parliamentary Under-Secretary of State for Health (Ann Keen): As the birth rate continues to rise, more midwives will, of course, be needed. We are working closely with the Royal College of Midwives and the national health service to ensure that the local maternity work force are in place to deliver Maternity Matters. Extra funding totalling more than £330 million will ensure that mothers get the best possible care and a full range of choices.

Sir Nicholas Winterton: Does the Minister accept that financial resources are the key to getting additional midwives in practice and delivering on the Maternity Matters strategy? She named a figure that is to be devoted to maternity provision. In order to the meet the strategy and the guarantees that the Prime Minister gave me in this House only a few days ago, will she bring forward that additional cash so that it is available very quickly?

Ann Keen: We are working closely with the NHS and the Royal College of Midwives on the plans for how the money will be delivered. We are also working towards a conference in the spring, the aim of which is to see how we can bring about the much-needed return of experienced midwives practising out in the community. I am confident that a larger midwifery work force will be in place this year.

Mr. Bill Olner (Nuneaton) (Lab): May I welcome my hon. Friend's comments about the extra Government money for maternity services? The George Eliot hospital in Nuneaton, which has a very good birthing unit, has been given some excellent reports and commendations. It has got through the bureaucracy of an acute services review, so the baby unit is staying, as is the special care baby unit, but services are operating in a 1960s building, which is now very unsuitable. Will she urge that some of the extra money be invested in a new birthing unit for that hospital?

Ann Keen: My hon. Friend raises an excellent point about the work being done in buildings that have sometimes had years of neglect. We must show our NHS midwives and doctors respect, because practitioners and clinicians have been asked to practise in these buildings, and of course mothers have been asked to give birth in them, which is why the reconfiguration is so welcome. Leadership is essential in maternity care. The UK is the safest country in the world in which to deliver babies, and we should all congratulate our NHS staff.

Topical Questions

T1. [184121] **Mr. Lindsay Hoyle** (Chorley) (Lab): If he will make a statement on his Department's responsibilities.

The Secretary of State for Health (Alan Johnson): The responsibilities of my Department embrace the whole range of NHS social care, mental health and public health service delivery, all of which are of equal importance.

Mr. Hoyle: The primary care trust is the important backbone of how funding and services are delivered. Will the Secretary of State tell me why a postcode

lottery exists in a PCT area? One part of the PCT area in my constituency does not get incontinence pads whereas the constituency next door, which is in the same PCT area, does get them. The postcode lottery should not exist, so can he put it right?

Alan Johnson: May be I will pay a visit to Chorley and talk to my hon. Friend's PCT, because that is where the root of that problem lies. He will know that, just in the past four years, his PCT has received a 30 per cent. funding increase. We also recently announced a 5.5 per cent. increase across the board. If that money does not buy incontinence pads for people who need them, some serious questions need to be asked of his PCT.

T2. [184122] **Mr. Paul Burstow** (Sutton and Cheam) (LD): Research has found that as many as 100,000 people who are living in care homes with dementia might be being prescribed anti-psychotic drugs. They might be being prescribed drugs that have not been licensed for the treatment of dementia. Surely it is time that those people, who find their lives shortened as a result of those drugs being prescribed to them in care homes, should not be treated as people who have been ill managed and should not be placed in chemical straitjackets, but should be treated with dignity.

Alan Johnson: That is not an acceptable situation. Indeed, as part of our adult social care review we must examine the issue of the prescription of drugs. That will be part of the national conversation leading up to the Green Paper later this year. The issue concerns Members on both sides of the House, because, as the recent Commission for Social Care Inspection report and the Wanless report showed, we must take long-term measures. Medium-term and short-term measures are important too, but we must take long-term measures to ensure that our adult social care system is equal to the NHS service that we provide.

T6. [184126] **John Robertson** (Glasgow, North-West) (Lab): In the last three years, the Medicines and Healthcare products Regulatory Agency has issued nine withdrawal notices for counterfeit imported products. The British Medical Association and Revenue and Customs have said that the problem stems from the internet. What is the Minister doing to address the issue with those organisations and how can she co-operate with foreign agencies to stop it happening?

The Minister of State, Department of Health (Dawn Primarolo): I can let my hon. Friend know that the Department is working with the two agencies that he mentioned both inside the UK and in European Union discussions. Access both on the internet and through mail order is increasing, and patients cannot be assured of safety or effectiveness. I had a meeting only last week with the MHRA about further steps that could be taken to provide the necessary protection.

Norman Lamb (North Norfolk) (LD): Last week, just two days after the extraordinary admission that the Government have been perpetuating for the last 11 years the myth that we would eradicate mixed-sex wards, the Mental Health Act Commission reported "a truly scandalous and tragic situation"—with vulnerable women being frightened for their safety. Last year, the "Count Me In" census reported that 58 per cent. of women in mental health units are in mixed-sex wards. In two years, there have been 19 alleged rapes and more than 100 alleged sexual assaults.

Will the Secretary of State make a renewed commitment today to eradicate that outrageous situation in our mental health units?

Alan Johnson: I will give that commitment, because I think that in some ways it is even more important to *eradicate mixed*-sex accommodation in mental health care than it is in the NHS. As far as the NHS is concerned, in this year's operating framework we made it clear that we want to make progress towards eradicating mixed-sex accommodation. To be honest, we are responsible for some of the difficulties in the sense that our manifesto spoke of mixed-sex wards, whereas the guidelines—including the guidance from the previous Conservative Government—talk of mixed-sex accommodation. I agree with the hon. Gentleman that eradication is even more important in mental health care than it is in the rest of the NHS, and I am happy to give the commitment that he seeks.

T3. [184123] **Mr. Peter Bone** (Wellingborough) (Con): Given the revised guidelines on the treatment of wet age-related macular degeneration issued by the National Institute for Health and Clinical Excellence in December, does the Secretary of State agree that it is unacceptable that Northamptonshire primary care trust is still treating AMD patients as low priority and effectively telling them either to seek private treatment or to go blind?

Dawn Primarolo: If the situation is as the hon. Gentleman describes it—and I have no reason to doubt him—it is scandalous. It is clear that the local PCT should assess the health needs of its local community and ensure that cost-effective and clinically safe treatment is available. The hon. Gentleman has raised the issue several times in the House and I commend him on that. I will certainly take up his specific concern about the priority given by his PCT to this issue.

Kerry McCarthy (Bristol, East) (Lab): Yesterday I received some answers to written questions that I had tabled to the Department on dental fluorosis in children. Those questions were prompted by the mother of a seven-year-old child whose adult teeth were starting to come through very discoloured and with the enamel missing. The mother was distraught, because the dentist had just said casually, "Oh, that is because she was swallowing toothpaste and wasn't rinsing her mouth." Should we not do more to warn patients of the dangers of children swallowing toothpaste? This girl will not be able to have anything done about her teeth until she is 16.

Alan Johnson: I agree that we should do more, and we are. Fluorosis, the discolouration to which my hon. Friend referred, is caused by children eating lots of toothpaste. Guidance has gone out from the chief dental officer to the parents of very small children saying that the amount of toothpaste on the toothbrush should be about the size of a pea. That guidance contains graphic illustrations, too, to ensure

that young mothers in particular are aware of the dangers of putting too much toothpaste on the brush. That is not to say that that is potentially fatal, but it does cause problems with fluorosis. My hon. Friend is right to draw attention to the need for that guidance, which went out only a couple of weeks ago.

Mr. Andrew Lansley (South Cambridgeshire) (Con): On the GP contract, the Secretary of State must be aware that Members on both sides of the House will be disappointed that the Government and the BMA seem to be in dispute when they have shared objectives, including the objective of ensuring quality service and access for the patients. Given that under the existing contract primary care trusts can commission extended opening hours as a local enhanced service, will the right hon. Gentleman tell the House how many PCTs have commissioned those extended opening hours?

Alan Johnson: I am not sure about the number of primary care trusts, but the percentage of the population who have access to such services is about 10 per cent. I have seen primary care trusts around the country—Kingston was a recent example—which have introduced Saturday openings. Incidentally, the people who come to surgeries on Saturday mornings are the very people whom the BMA claims are happy to go to their surgeries mid-week—older people and young mothers with children. They find it very convenient to go to the surgery on a Saturday morning.

We have tried hard to reach an agreement and we are still keen to reach one. We have not torn up any contracts or gone gung-ho at it. We have made a reasonable set of proposals that are good for the patient, the health service and the GPs. I hope that GPs will accept those proposals in the individual ballot that is being sent out from the BMA.

Mr. Lansley: The Secretary of State has accompanied his proposal, as he puts it, with the threat that he will impose a contract rather than complete negotiations. Does he recall the last general election, when we suggested that GPs should be commissioned with additional funds to open on Saturday mornings? The Government did not accept or endorse that proposal. Will the Secretary of State explain how he can pursue his dispute with the BMA when he does not know how many primary care trusts are already commissioning extended opening hours? Does he know how many GPs are offering extended opening hours, whether they are commissioned to do so or not? How can the Secretary of State go on the radio and accuse GPs—

Mr. Speaker: Order. May I say that these are topical questions and are really for the Back Benchers? We cannot have several supplementaries from those on the Front Benches.

Alan Johnson: Let me say briefly that I have not issued any threats to anyone. We are determined to move ahead with greater access from April. If the BMA does not agree to the proposals, we will need to consult on the proposals that we will impose. To start that process, we must start the consultation now. The hon. Gentleman may want to run away from the argument, but we believe that patients deserve greater access. If we cannot achieve that by negotiation, we will have to impose a solution. To do so, we will need consultation, which must begin now in order to introduce that solution in April.

T5. [184125] **Bob Russell** (Colchester) (LD): The Secretary of State will be aware that the Bluebell surgery in Colchester occupies dilapidated temporary premises that would disgrace a third-world country. Alongside it, completed in August last year, is a purpose-built new surgery and community centre. Will the Secretary of State, this day, chase whoever is responsible to get that new facility open, as it has been standing shut for the past six months?

Alan Johnson: I am always happy to listen to Liberal Democrats who tell me that we ought to push down more autonomy to the local area and not interfere from the centre, yet ask me to intervene this very day. I shall find out what is happening in tribute to the hon. Gentleman, who I know is a fine constituency MP—*[Interruption.]* Well, I am in a good mood. I shall let him know the result.

T4. [184124] **Mr. Andrew Robathan** (Blaby) (Con): I am sure that the House would be grateful for further information about fluoride and the Secretary of State's announcement today. Is it a fact that fluoride is a poison that is dangerous if it is absorbed in too great quantities? Is it a fact that it works topically to prevent tooth decay as administered via toothpaste? Does the Secretary of State believe in such mass compulsory medication, given the concerns about fluorosis that we have already heard?

Alan Johnson: Fact No. 1: fluoride has been in the US water system for the past 60 years, and in Birmingham's for the past 40. Fact No. 2: Birmingham is the 360th most deprived area in the country, but the incidence of dental decay there puts it 30th in terms of good dental health among children. We have been around this course many times. On a free vote, Parliament voted overwhelmingly that water companies had to put fluoride in the water if local people required it. I want to kick-start that process, and all the facts are in favour of greater fluoridation.

T10. [184130] **Andrew Mackinlay** (Thurrock) (Lab): The Secretary of State will be aware that people needing long-term or lifelong treatment, such as those who suffer from diabetes, get free prescriptions. That is quite right, but will he address the anomaly that means that transplantees must pay for their prescriptions? Will he agree to meet organisations representing transplantees so that the question can be discussed and addressed? This is a serious anomaly and very unfair, as the people involved pay out large sums of money each week.

Alan Johnson: Some 88 per cent. of patients do not pay for their prescriptions. If the group that my hon. Friend mentions is not among them, I shall be happy to meet a delegation to discuss the problem and see what the facts are, as a precursor to seeing whether any action is necessary.

T8. [184128] **Steve Webb** (Northavon) (LD): The Secretary of State refused to meet me to discuss the fact that he is closing a hospital in my constituency. Will he tell me, across the Floor of the House, whether he thinks that it is acceptable to close a hospital and not require the local ambulance trust to publish an independent report on journey times to the two accident and emergency departments that are affected?

The Minister of State, Department of Health (Mr. Ben Bradshaw): The hon. Gentleman and most of the House will be aware that the health ombudsman and all the local health trusts in his area support the reorganisation in Bristol. He has lost the argument, and his campaign did not succeed in the judicial review. We think that it is better—and the official Liberal Democrat position is in agreement—for local communities and health trusts to make decisions, as that is in the best interests of people in the area.

Mr. Graham Brady (Altrincham and Sale, West) (Con): The Secretary of State prayed in aid the American experience in respect of putting fluoride in the water supply, but Ministers will know that the American Dental Association has advised that fluoridated water is not safe for making up infant milk formula because it causes fluorosis. Is he not concerned about that, and what does he propose to do to keep children's teeth safe?

Alan Johnson: May I repeat again that the science supports fluoridation? Parliament did the same, on a free vote. Whenever the public are tested on this question, they believe that there should be fluoridation. There is absolutely no clinical evidence whatsoever that links fluoridation with anything other than fluorosis. Fluorosis is a discolouration of the teeth, and there are perfectly simple ways to deal with it. The major things that we should be talking about are prevention of decay—and fluoride will be extremely helpful in that—and tackling health inequalities. One of the biggest health inequalities is in dental health, and fluoride is there, available and waiting to assist in that process.

Points of Order

3.33 pm

Mrs. Theresa Villiers (Chipping Barnet) (Con): On a point of order, Mr. Speaker. This morning's "Today" programme carried reports that BBC's "File on Four" programme would broadcast details of an unpublished report by rail inspectors that reveals some very serious shortcomings in the safety inspection regime at Network Rail. The Railways Minister is in his place, and I should be very grateful if he would assure the House that hon. Members will be able to see a copy of that report at the earliest possible instance.

Mr. Speaker: That is not a point of order, but I shall ask the Minister whether he has anything to say.

The Parliamentary Under-Secretary of State for Transport (Mr. Tom Harris): Thank you, Mr. Speaker, and I am grateful to the hon. Lady for giving me warning of her point of order. The railway inspectorate is an independent organisation. It is part of the Office of Rail Regulation and it has produced the report that was referred to in this morning's "Today" programme. It has not published that report: I can assure her that the Department for Transport does not have a copy, and it is entirely up to the ORR to decide whether or not to release it. However, as far as the safety regime is concerned, she will know that the rail accident investigation branch is continuing its investigation into last year's accident at Grayrigg. The full conclusions of that organisation's report will be made available to the House.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): On a point of order, Mr. Speaker. Yesterday, the Opposition Front-Bench spokesperson, the hon. Member for Surrey Heath (Michael Gove), used the privilege of the House to repeat allegations that the charity Interpal was linked to Hamas, despite the fact that the Charity Commission has twice found those allegations to be unfounded. The charity is well run and there is no evidence of any pro-terrorist bias. Is it in order for—

Mr. Speaker: Order. The hon. Lady is using a point of order to debate a matter. That is not a proper use of the point of order system.

Dr. Julian Lewis (New Forest, East) (Con): On a point of order, Mr. Speaker. As has been widely reported, my constituent, Simon Mann, has disappeared from Zimbabwe and, allegedly, has illegally been handed over to the vicious and repressive regime in Equatorial Guinea. Has any Foreign Office Minister given you any indication that he will come to the House and make a statement and, in particular, that he will call in the ambassadors of those two countries about that blatant abuse—

Mr. Speaker: Order. I am sorry for the difficulties—*[Interruption.]* Order. I am sorry for the severe difficulties faced by the hon. Gentleman's constituent, but I cannot be drawn into those matters.

Union Flag

3.35 pm

Andrew Rosindell (Romford) (Con): I beg to move,

That leave be given to bring in a Bill to define the Union flag of the United Kingdom of Great Britain and Northern Ireland; to make provision about the display and flying of the Union flag; and for connected purposes.

My Bill will affirm the Union flag, established on 1 January 1801, as the national flag of the United Kingdom of Great Britain and Northern Ireland. It will define the Union flag as one that can truly represent all British people, including those from Her Majesty's Crown dependencies and overseas territories who have shown such loyalty to the Crown over many centuries.

I seek to uphold the Union flag for everyone to honour and take pride in, and I want positively to encourage the flying of our flag from public buildings the length and breadth of these islands—not just on the rare days designated for the flying of the flag, but on every day throughout the year. It is time we discarded the outdated convention that the Union flag should fly only on certain days; we should follow the fine example of Her Majesty the Queen who displays the Union flag from Buckingham palace every day except when the royal standard is flown.

The Union flag, or the Union Jack as it is widely known, is a popular modern symbol for most Britons and those with British ancestry—a magnificent emblem representing an unshakeable common bond between all British peoples the world over. The Union flag represents each and every one of us: English, Scottish, Welsh, Northern Irish, Channel Islanders, Manxmen, Falkland Islanders, Gibraltarians and all Her Majesty's subjects in the British overseas territories—indeed, the Union flag is their flag, too.

Another reason for the Bill is to reclaim the Union flag from those who would use it for narrow or extreme political ends, and from those who ridicule our flag on grounds of political correctness or for their own nationalist ambitions. Our flag must be one that all Britons feel able to fly with pride, overriding other divisions that may exist in our nation. In many countries the national flag is a unifying symbol that flies proudly throughout the land: Australia, New Zealand and Canada are the best examples, but in the stars and stripes of the United States and the flags of countries such as Denmark, Sweden, Norway and Switzerland we see examples where the national flag is flown far and wide, strengthening national identity. The idea that it is somehow not very British to fly the flag is outdated and divisive, and it is time for that old attitude to be discarded.

My Bill will give everyone the right to fly the Union flag all year round, not just from Government buildings in Whitehall but from local town, community, civic and village halls, and from police and fire stations, hospitals, schools, clubs, businesses, offices, shops and private homes, if people choose to do so. Let us start here, today, by flying the Union flag every day from the Houses of Parliament, so that all visitors to London can see our flag proudly fluttering on the mother of Parliaments whenever they visit London. As my hon. Friend the Member for Bournemouth, East (Mr. Ellwood)

[Andrew Rosindell]

has pointed out to me, we should be proud of our heritage and more forward in displaying the symbol that unites us all. That symbol can also be highly significant for tourism. Every visitor is a potential ambassador for Britain, and our flag could be better used to promote our country, our heritage and our people.

I commend my hon. Friend the Member for Lichfield (Michael Fabricant), who proposed a similar Bill in 1996 when he called for the Union flag to fly freely throughout the nation and for the removal of planning restrictions that prevented that from happening. He, too, called for schools to fly the flag every day. I would like to see that idea adopted. Perhaps a different pupil could be invited to have the honour of raising the flag at the start of each school day. There is nothing more important than instilling in our younger people pride in our flag and our nation.

Hon. Members may not be fully aware that the Union flag has never been affirmed in law. I believe it is time that it was. The first Union flag was adopted by royal proclamation by King James on 12 April 1606. It combined the flag of the cross of St. Andrew for Scotland, and the flag of the cross of St. George for England. It was principally for use at sea. The Union with Ireland in 1801 brought the cross of St. Patrick into the flag. The result was the modern Union flag, established by royal proclamation by King George III on 1 January 1801. Nevertheless, the Union flag has never been affirmed as the civil national flag of the United Kingdom. Instead, it has existed only as a Government flag or a royal banner.

In its detailed research, the Flag Institute discovered two significant references to the Union flag in Parliament. On 14 July 1908, in response to a parliamentary question regarding the status of the flag, the Earl of Crewe, on behalf of His Majesty's Government in another place, declared that

"the Union Jack should be regarded as the National flag".—[*Official Report*, 14 July 1908; Vol. 192, c. 579.]

Nearly 25 years later, the Home Secretary, Sir John Gilmour, stated:

"The Union Flag is the national flag and may properly be flown by any British subject on land." [*Official Report*, 27 June 1933; Vol. 279, c. 1324.]

Those two statements are the nearest that the Union flag has ever come to being constitutionally endorsed by Parliament in its popularly accepted role. Consequently, the status of the Union flag has been the subject of controversy and misunderstanding for many years, and there is uncertainty among some people about its constitutional position and legal standing.

My Bill will affirm once and for all that the Union flag is the official flag of the United Kingdom of Great Britain and Northern Ireland, and it will proclaim it to be the flag of all British peoples. It will also formally recognise that the name, Union Jack, can be commonly used when referring to the Union flag. I am indebted to Captain Malcolm Farrow OBE RN, president of the Flag Institute, who has provided me with a wealth of information about the Union flag and its progress and evolution through the centuries, and I commend the work of the Flag Institute to hon. Members.

Some may feel that the status of our flag is unimportant and others may even misinterpret my passion as misplaced patriotism, but nothing could be further from the truth. I believe that my Bill will be the first step in wresting our national flag from the hands of extremists and giving it back to the loyal people of this country, whatever their race, colour, creed or religion. Our flag is a symbol that instils unity and loyalty throughout our nation, so let us today proclaim it as the flag that can truly represent all members of our great British family. I commend the Bill to the House.

Question put and agreed to.

Bill ordered to be brought in by Andrew Rosindell, Mr. Andrew Turner, Mr. Lindsay Hoyle, Angela Watkinson, Mr. Henry Bellingham, Mr. Tobias Ellwood, Geraldine Smith, Mr. Martyn Jones, Mr. Nigel Dodds, Mr. David Jones and David Mundell.

Union Flag

Andrew Rosindell accordingly presented a Bill to define the Union flag of the United Kingdom of Great Britain and Northern Ireland; to make provision about the display and flying of the Union flag; and for connected purposes. And the same was read the First time; and ordered to be read a Second time on Friday 17 October, and to be printed. [Bill 65].

Treaty of Lisbon (No. 3)

(3RD ALLOTTED DAY)

Mr. Speaker: I inform the House that I have selected the amendment in the name of the right hon. Member for Richmond, Yorks (Mr. Hague).

Mr. Mark Harper (Forest of Dean) (Con): On a point of order, Mr. Speaker. Today the Minister for Europe is publishing the Command Paper on prospects for the European Union for 2008, particularly about the Slovenian presidency and its ability to get the treaty of Lisbon ratified. It would be helpful if that document were available for this debate. Having checked in the Vote Office moments beforehand, I find that it is not. Perhaps you would look into the matter and see if it could be put right.

Mr. Speaker: I think we can manage to get on with the debate. We will manage somehow or other.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): On a point of order, Mr. Speaker. It is, I believe, customary for the Government to put down all documents relevant to debate. Frequent reference has been made in the House to the positions that the Government took during the negotiations on the European constitutional treaty. Could you ask the Minister to put before the House those positions and the motions that the Government sought to move in the constitutional treaty Convention so that all of us, rather than just some, can refer to them? I have asked the Library; it does not possess a copy.

Mr. Speaker: As I have said previously on points of order, hon. Members can sometimes call on me to do things that are the business of Government. It is up to the Government to decide what papers to lay down in the course of the debate. I thank the right hon. Gentleman for raising the matter.

3.48 pm

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): I beg to move,

That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning human rights.

The United Kingdom has been at the forefront of the development of fundamental human rights, especially since the notion was first articulated by Winston Churchill and President Roosevelt in the Atlantic charter in 1941. Nine years after that charter, British lawyers—including the distinguished lawyer Sir David Maxwell Fyfe, who later became the Conservative Lord Chancellor as Lord Kilmuir—were instrumental in drafting what became the European convention on human rights. The Labour Foreign Office Minister, Kenneth Younger, described the resulting document as

"following almost word for word the actual texts proposed by the United Kingdom representatives".

The rights contained within the convention have a long British pedigree, rooted in Magna Carta, the 1689 Bill of Rights and habeas corpus. They were a manifestation of the values already deeply imbued in the British social fabric and our common law. However, it is as much the origins as the effect of these rights that are relevant to this afternoon's debate.

The European convention was a means by which a continent racked by the most horrific violence and violations of the most basic rights could heal its wounds. The crucial development was the way in which human rights moved from just being noble sentiments to becoming legally enforceable mechanisms by which a nation's citizens could seek protection from the otherwise overweening power of the state.

Mr. John Redwood (Wokingham) (Con): Does the Secretary of State accept that, over the centuries, it has been this Parliament that has defined, upheld and shaped our human rights, and that it should be this Parliament that does so in future? The European charter would be too inflexible and would not reflect the will of the British people.

Mr. Straw: I do not accept that. It was this British Parliament that decided in 1971 to join the European Union. It was also this British Parliament that signed up to the Single European Act in 1986, to the Maastricht treaty and to the treaties of Amsterdam and Nice. We now have the prospect of signing up to this one. It is open to any party in this country to propose in its manifesto that the United Kingdom should withdraw from its treaty obligations and leave the European Union. That is the sovereign right of this country and this Parliament, and long may that continue to be the case.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): The right hon. Gentleman did not mention the controversy within the Labour Cabinet over these matters in the late 1940s. He did not mention the hesitations and reservations expressed by the Lord Chancellor, Lord Jowitt, about the European convention on human rights, because of a matter that is germane to this debate—namely, the jurisdiction of an independent non-UK court. That was the crux of the difficulty that the then Labour Government were confronted with, as we are today.

Mr. Straw: I have not mentioned those things here. However, I have only just begun my speech, so that is not surprising. There are quite a number of things that I will have mentioned by the end of it. I want to reassure the hon. Gentleman, however. I was not going to mention that part of the history today, but I mentioned it recently in a lecture that I gave to a Justice and *Guardian* newspaper seminar—

John Bercow (Buckingham) (Con): Put it in the Library.

Mr. Straw: It is on the website, but I would be happy to put it in the Library and lay it on the Table as well.

I am aware of the history, and of the fact that there was debate in both parties on whether it was acceptable to sign up to a convention and to be bound by the decisions of its courts. I have to say, however, that both the major parties, along with the Liberal Democrats—and their predecessor, the Liberal party—and now this Parliament have successively decided to endorse our signature of the European convention and our acceptance of the decisions of the Court at Strasbourg.

Mr. Edward Garnier (Harborough) (Con): We all know about the European convention, whose history the Secretary of State is describing. What concerns us today, however, is why the Government think it appropriate for this additional charter—the charter of fundamental rights—to come into existence and to become an integral part of European Union law, as opposed to European convention law. Are we not simply duplicating?

Mr. Straw: I will refer to that matter in a moment if I am given a chance to do so, as I know I will be.

Bob Spink (Castle Point) (Con): May I take the right hon. Gentleman back to something that he said a few moments ago? He stated that the British people had signed up to the European Union. He is a man of great honour; will he at least acknowledge that the British people have only ever voted to join a trading relationship? What we are getting now is a quite different sort of relationship, which is why the Government should honour their promise and give the British people their say.

Mr. Straw: The debate during the 1975 referendum roamed much wider than that; plenty of histories of it have been written. It is a matter for the hon. Gentleman to win an argument within his own party. Perhaps he wishes to propose that his party commit itself to leaving the European Union—an idea on which the hon. Gentleman is very keen—and putting the question to the British people in a referendum. That would be the appropriate way to address that absolutely fundamental issue.

Meanwhile, I shall make a little progress before provoking some more interventions. Lest the House forget, I was just saying how the ideas moved from being sentiments to legally enforceable mechanisms. The lessons of European history are conspicuous: good will and paper barriers, in and of themselves, are no protection from the perils of authoritarianism. The creation of common minimum standards, backed up by law and enforced by supranational courts—that is the heart of the argument—has turned out to be a powerful guarantee of citizens' rights and freedoms.

Britain has played a pivotal role in developing that culture of rights and the idea of human rights across Europe. My point to the hon. Member for Aldridge-Brownhills (Mr. Shepherd) is that that has been of profound importance in helping to introduce across Europe shared prosperity and stability, from which our own citizens have so benefited. Without not only that culture, but the ability to enforce common standards of human rights, I doubt very much whether we would have seen the extraordinary progress made during the lifetimes of many right hon. and hon. Members, including mine. We have moved from a position in which only a handful of European states could be described as functioning democracies; there were dictatorships not only in eastern Europe but in what we now describe as western Europe. Today, almost every nation meets that description, or is working hard towards it.

When I was Home Secretary and Foreign Secretary I was very involved in the expansion of the European Union from 15 to 25 to 27. The key issue was not about bringing the economic performances of the countries joining up to a standard; the key issue for them was to ensure that their human rights provisions were raised to decent standards, in practice as well as theory. Without the bedrock of the European convention on human rights, and the other rights added to it and now described in the charter, that change—from which we have benefited and which was supported by every party in the House—could not have occurred.

Mr. William Cash (Stone) (Con) *rose*—

Mr. Straw: I give way, as I always do in any debate on Europe, to the hon. Gentleman.

Mr. Cash: How does it advance our democracy, in the terms in which the Secretary of State has put it, to arrive at a position in which rulings by the European Court of Justice on these enormously important matters displace Acts of Parliament, which are decided by the voters of this country on the basis of manifestos in general elections?

Mr. Straw: The problem for the hon. Gentleman is this: a manifesto was put forward by the Conservative party in 1970; I do not know whether he voted Conservative in that election, but it is beyond peradventure that he was alive for it. That manifesto said that if the Conservative party was elected to government—and it was, on 18 June 1970—it would seek to negotiate our entry to the European Union. *[Interruption.]* Somebody said sotto voce that there was no charter of human rights; I shall come back to that. The House voted, as the other place did, in favour of membership. Four years later, the Labour Government said that they wished to renegotiate certain aspects of our membership arrangements, and that was put to a referendum. That was endorsed by the British people by a margin of two to one.

The European Court of Justice has been fundamental to the operation of the European Union ever since it was formed. That is my answer to the hon. Gentleman: I know that he disagrees with the mechanisms of the European Union, but it is for him and the hon. Member for Castle Point (Bob Spink) to have that argument in the Conservative party and commit it to what is in my judgment its most consistent position, although I disagree with it: leaving the European Union.

Mr. Nigel Evans (Ribble Valley) (Con): As regards the European court of fundamental rights, duplication has been suggested. Would it not have been better had the money that is being spent on this been put towards the European courts that already exist, which have a backlog of cases? As for the powers of the European court of fundamental rights, would the British people be able, for instance, to go to that court to complain about a governing party that promised a referendum on the European constitution but then denied it to us a year or so later?

Mr. Straw: That is a bit of a debating point, but the legal answer to the question is no.

Several hon. Members *rose*—

Mr. Straw: A number of hon. Gentlemen are showing that they wish to intervene. If they will allow me to make some progress, I promise that they will all get in before I conclude.

For the future interests of Britain, and of Europe, it is right that we collectively take further steps to make the promotion of human rights integral to being part of Europe. That is the explanation for the measures within the Lisbon treaty—the charter, the accession of the European Union to the European convention on human rights, and further provisions regarding the rights of the child.

Mr. Dominic Grieve (Beaconsfield) (Con): The Lord Chancellor has rapidly touched on the fundamental issue. I agree that the adherence of the European Union to the European convention on human rights is an absolutely key issue in promoting human rights within the Union. However, he needs to explain to the House why, if that adherence is to take place—it is long overdue—the charter of fundamental rights should then be imposed in the manner proposed by the treaty of Lisbon.

Mr. Straw: I have to say to the hon. Gentleman that I honestly think that the Opposition are trying to make silk purses out of sows' ears. They have no case. Let me go through the charter and recite a series of rights that are already accepted across Europe as fundamental to the way in which our democracies operate. When the hon. Member for Aylesbury (Mr. Lidington) or the hon. Member for Beaconsfield (Mr. Grieve) stand up to speak, the first thing that I would like to hear is which of these rights they object to. Are they against

"respect for...private and family life"?

Are they against

"the right to liberty and security"?

Are they against—

Several hon. Members *rose—*

Mr. Straw: Okay, let us hear.

Mr. Redwood: We do not disagree with individual rights—we disagree with the legal process that means that they are defined and imposed on us instead of defined and imposed from here.

Mr. Straw *rose—*

Daniel Kawczynski (Shrewsbury and Atcham) (Con): The Secretary of State tried to suggest that the countries of eastern Europe have somehow benefited—

Madam Deputy Speaker (Sylvia Heal): Order. I think that the Secretary of State would wish to respond to the first intervention before taking a second.

Mr. Straw: I apologise, Madam Deputy Speaker—that was my fault because I indicated that I was ready to accept the next intervention.

Mr. Shepherd: On a point of order, Madam Deputy Speaker. I am sorry, but this is just a point of clarification. We are now getting into the detail of the Bill, which I understood to be for the Committee stage. Are we moving into the Committee stage or are we still going through this nonsensical motion process?

Madam Deputy Speaker: We are debating the motion; we are not yet in Committee.

Mr. Straw: I now give way to the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski).

Daniel Kawczynski: I am grateful to the Secretary of State. He stated earlier that eastern European countries have somehow benefited from these new human rights laws coming out of the European Union, and that so would we in the United Kingdom. The fact is that those countries were only temporarily isolated behind the iron curtain. They had developed their own human rights for generations—for centuries—and they reverted back to them when communism fell; they did not learn them from the European Union.

Mr. Straw: The history of states in eastern Europe—of course, I bow to the hon. Gentleman's superior knowledge, particularly in respect of Poland—varies, as it does in western European states. Nevertheless, some of the eastern European states had not had any experience of democracy until after the Berlin wall fell—that is simply a matter of straightforward history.

Several hon. Members *rose—*

Mr. Straw: I want to make some progress, but I give way to the right hon. Member for Wells (Mr. Heathcoat-Amory).

Mr. David Heathcoat-Amory (Wells) (Con): The right hon. Gentleman will recall my asking him in a Select Committee about new rights. He asserted that there are no new rights in the charter, which was repeated by the Foreign Secretary last October. However, the right in article 13, which states that

"scientific research shall be free of constraint",

is a new right. According to the Government's own explanation, it is derived from no existing source. I object to that provision because I support animal welfare, and I object to the concept of all scientific research being entirely free of constraint. Parliament should legislate to constrain such research. Does he agree that that is a new right, and does he agree that it is a highly controversial matter which would be much better debated in a national Parliament, rather than asserted unconditionally in a foreign jurisdiction?

Mr. Straw: I shall come on to the issue of those awful foreigners who are trying to impose their will against—[HON. MEMBERS: "Answer the question!"] I am going to answer the question. As far as article 13 is concerned, that right is already part of EU law. It is the same as the right in article 10 in the European convention on human rights.

Mr. James Clappison (Hertsmere) (Con): Will the Secretary of State give way?

Mr. Straw: I will give way later, but I am going to make some progress.

I note that the only specific right mentioned in the charter of fundamental rights to which the Conservative party now takes exception—perhaps the hon. Member for Aylesbury has a longer list—is the right concerning

[Mr. Straw]

scientific and arts research, and that was objected to only by the right hon. Member for Wells. The right hon. Gentleman will know that these rights are balanced against other rights, including those of animals. There is a clear protocol relating to the accession of the European convention on human rights by the European Union, which makes this clear:

"The agreement referred to in Article 1 shall ensure that accession of the Union shall not affect the competences of the Union or the powers...It shall ensure that nothing therein affects the situation of Member States in relation to the European Convention in particular in relation to the Protocols thereto".

Mr. David Lidington (Aylesbury) (Con): The right hon. Gentleman has asserted several times that nothing in the charter of fundamental rights creates new rights, and that the rights there already exist. However, in its website commentary on the treaty of Lisbon, the European Commission says that

"the Treaty of Lisbon preserves existing rights while introducing new ones."

Is he saying that the Commission is wrong?

Mr. Straw: There is provenance for every one of the rights contained in the charter. [HON. MEMBERS: "Provenance?"] Yes, provenance. If the hon. Gentleman is saying that he objects to a particular right, when he comes to make his speech let him say in his own way to which of the rights he objects.

Mr. David Winnick (Walsall, North) (Lab) *rose—*

Mr. Denis MacShane (Rotherham) (Lab) *rose—*

Mr. Straw: I shall give way to both my hon. Friend and my right hon. Friend.

Mr. Winnick: To recognise the advances that have undoubtedly been made in human rights in many parts of Europe, we need only compare the situation now to that 70 years ago. Would my right hon. Friend take the opportunity not to allow history to be rewritten? Hungary and Poland, in particular, pre-war, were deeply flawed, authoritarian states. They were disgusting states.

Daniel Kawczynski: Outrageous!

Mr. Winnick: Poland certainly was. It is unfortunate that some hon. Members refuse to accept that fact.

Mr. Straw: I am grateful to my hon. Friend. I give way to my right hon. Friend.

Mr. MacShane *rose—*

Daniel Kawczynski: Outrageous. Pathetic.

Madam Deputy Speaker: Order. I call Secretary Jack Straw.

Mr. Straw: I will give way to my right hon. Friend.

Daniel Kawczynski: On a point of order, Madam Deputy Speaker. The Member for Walsall, or wherever he is from, stated that Poland was a fascist regime. That is absolutely scandalous. *[Interruption.]*

Madam Deputy Speaker: Order. I am prepared to hear the hon. Gentleman's point of order, but I say to all hon. Members of this House that some of the common courtesies of debate should be applied.

Daniel Kawczynski: I take great exception to what has been shouted across the Floor about Poland—a major nation of the European Union. He describes it as having been a fascist regime. I take great offence at that, Madam Deputy Speaker.

Mr. Winnick: Further to that point of order, Madam Deputy Speaker.

Madam Deputy Speaker: May I just reply to the other point of order first? It is not a point of order for the Chair. It is matter of debate, and I therefore repeat my request that all Members in this House accept the common courtesies of debate.

Mr. Winnick: I realise that you are not directly involved, Madam Deputy Speaker, but it is rather unfortunate that some Members refuse to recognise what sort of states existed in Europe before the second world war.

Madam Deputy Speaker: I say again that that is not a point of order for the Chair. May we now continue with the debate?

Mr. Straw: I give way to my right hon. Friend the Member for Rotherham (Mr. MacShane).

Mr. MacShane: As someone with some lineage connected to Poland, let me tell my hon. Friend the Member for Walsall, North (Mr. Winnick) that it was not a fascist state, but neither was it a perfect democracy. We in England do not have the best of records on anti-Semitism at that time.

I put it to my right hon. Friend the Secretary of State that, unless we wish to revert to a Hobbesian world of a war of all against all, contract and covenant between people and nations are necessary. In the World Trade Organisation, which is a treaty organisation, we have to accept derogation of our sovereignty, and it tells us what to do. The same applies to the International Labour Organisation, the European convention on human rights, the Council of Europe and so on. The Opposition have a choice: leave the EU—

Madam Deputy Speaker: Order. Interventions must be brief.

Mr. Straw: I agree with my right hon. Friend. Any obligations to which we sign up, as long as they exist under international treaties, include duties as well as benefits. We must always balance the one against the other.

The hon. Member for Aylesbury mentioned the European Commission website. The Commission clearly set out the prime objective underlying the charter as making European Union citizens' rights more visible. The text does not establish new rights; that was never the intention. It assembles existing rights, which were previously scattered over a range of sources and therefore not always easy to trace.

Today, we live in a different age from when the European Union was founded. It comprised six, nine and then 15 states. It has almost doubled in size, bringing together 27 politically and culturally diverse members. The time is not beyond the memory of many in the House when a trip across the channel required a feat of logistics, including having to take one's passport to the bank to withdraw a maximum of £250-worth of European currency in one year.

Nowadays, British citizens make 55 million trips to Europe each year. Around three quarters of a million of us have homes in Spain, with a further quarter of a million with homes in France, while hundreds of thousands have settled or work elsewhere in the EU. Today, our constituents benefit from the EU and think nothing of living, working and travelling across it.

There is a damaging fallacy that human rights are something for the "other". The old home guard is wheeled out in the name of the defence of British interests. They paint a dismal picture of some form of Napoleonic resurgence, threatening the borders and well-being of the United Kingdom. The only response as they see it—we experienced it again this afternoon—is drawing back from Europe into the comfort of narrow parochialism. They seem to miss the fact that the British interest of the British people—yes, those who fly the flag and want it to be flown more often—is best served by being in Europe so that we can influence Europe. I want my constituents to receive the same protection when on holiday or on business abroad in Europe as they are afforded at home.

Several hon. Members *rose—*

Mr. Straw: Before giving way, let me first make the same argument in the House as I do in discussions in my constituency when the issue arises. I ask my constituents where they go on holiday, whether they know anyone with an apartment or home in Spain, Italy or France, or anyone who has made use of his or her right to work elsewhere in the European Union. I point out to them that they would have far fewer rights when living or working abroad without our participation in Europe.

The Government ensured through the Human Rights Act 1998 that the rights contained in the convention were brought home to become directly enforceable by British judges in British courts.

Mr. Clappison *rose—*

Mr. Straw: I said that I would give way to the hon. Gentleman.

Mr. Clappison: The rights that the Secretary of State has described existed long before the charter of fundamental rights. May I take him back to the question that my hon. Friend the Member for Aylesbury (Mr. Lidington) asked? Since the European Union wishes to accede to the convention and the Government claim that the charter will not create any justiciable rights in this country, what practical benefit is the charter for the people of this country? Is the high point of the Government's case that they are protecting us from the wonderful document's having any effect?

Mr. Straw: The benefit of the charter is, as the European Commission said, that it assembles existing rights, which were previously scattered over a range of sources and therefore not always easy to trace. *[Interruption.]* It concerns existing rights and I am glad that the hon. Gentleman acknowledges that. Perhaps he will tell his Front-Bench colleagues.

Rob Marris (Wolverhampton, South-West) (Lab): Does my right hon. Friend agree that the previous intervention demonstrates the difficulty that we on this side of the House have with the Opposition? They do not understand that membership of the European Union is a two-way street or that the rights of UK citizens when in other countries are protected through such provisions. It was the same in the debate on justice and home affairs, when they did not understand that minimum standards in criminal law could affect UK citizens beneficially when abroad. Similarly, in the debate on energy the issue for the Tories seemed to be all about people nicking our energy supplies in time of crisis, rather than energy supplies from other member states coming here. It is the same in this debate—they do not understand the protections that our citizens can enjoy abroad owing to those fundamental rights.

Mr. Straw: I absolutely agree with my hon. Friend. I know that he has had the privilege and benefit of attending each of these debates and hearing what has been said. Yes, the European Union is a two-way street, but my point to my constituents, which they accept, is that when they go abroad, they want better rights than they would be afforded in many non-EU foreign countries. They benefit in EU countries, but they also want to know that if, for instance, they want to enforce their property rights, they can do so better within the European Union.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): I have the greatest affection for my right hon. Friend and I always enjoy the sight of him skating very fast on thin ice. I am not a lawyer and this debate is in danger of becoming an argument between lawyers, so will he identify one new right—just one—that the legislation will introduce?

Mr. Straw: The answer—*[Interruption.]* The answer to my hon. Friend—[Hon. Members: "She's marvellous!"] I absolutely agree—she is marvellous, and I love her to bits. The answer to my hon. Friend, with whom I have a long and close association going back some years, is that the charter does not create new rights; rather, it brings together rights that were already there, as I have just said.

Mr. Grieve: Will the Lord Chancellor confirm that every country that is a member of the European Union is also a signatory of the European convention on human rights? Indeed, I believe that every single one has incorporated it. In view of that, what is the purpose of the charter of fundamental rights? If it is innocuous, as he says it is, why have the Government negotiated a protocol that will supposedly make it ineffective?

Mr. Straw: If the hon. Gentleman bears with me, I shall answer his question in full and at tedious length.

Mr. Edward Davey (Kingston and Surbiton) (LD): Can the Lord Chancellor confirm that the charter applies those rights for the first time to the European Union institutions? That is a key part of the whole policy development.

Mr. Straw: Yes, I can, although many of those rights applied in any event. I can also say what the benefit is of assembling those rights together in a single document. It is that the people of Britain, among many others, can see what they are in a single document, rather than having to delve into various obscure—

Mr. Shepherd: Will the Lord Chancellor give way?

Mr. Straw: No, I am going to make some progress.

Mr. Shepherd: You have got four and a half hours.

Mr. Straw: Not all for me, for Pete's sake! I have given way to the hon. Gentleman already. I will give way to him later, but now I must make some progress.

As the House knows, the charter was originally drafted as a declaratory document agreed at the Cologne summit in 1999. Before agreeing that the charter should have treaty status, the Government insisted that greater clarity was required to define precisely what the scope and effect of such a status would be, which is the answer to the hon. Member for Beaconsfield. We pledged that nothing in the charter of fundamental rights would give national or European courts any new powers to strike down or reinterpret UK law, including with regard to labour and social legislation. That is what we have delivered.

We have also negotiated an extensive package of safeguards. Four measures in particular have been put in place: the new wording of article 6 of the Lisbon treaty; the charter's horizontal articles, found in articles 51 and 52; the revised official explanations accompanying the charter; and the binding protocol on page 172. Individually and taken together, those measures represent a substantial degree of protection for British interests. I will deal with them in turn.

The amended article 6 states:

"The provisions of the Charter shall not extend in any way the competencies of the Union as defined in the Treaties. The rights, freedoms and principles in the Charter shall be interpreted in accordance with the general principles...of the Charter governing its interpretation and application and with due regard to the explanations...in the Charter".

The horizontal articles contained in title VII stipulate:

"The provisions of the Charter are addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and",

crucially,

"to the Member States only when they are implementing Union law...The Charter does not extend the field of application of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks as defined in the Treaties."

In addition, the official explanations to the charter, which indicate the source of the rights and principles it contains, provide further clarification:

"The explanations drawn up as a way of providing guidance in the interpretation of the Charter shall be given due regard by the courts... and...Member States".

The explanations demonstrate that the charter does not create any new rights, but reaffirms rights that are already recognised.

The final measure, the protocol, which we have secured along with Poland, completes the protection. The language is unusually clear for an EU instrument:

"The Charter does not extend the ability of the Court of Justice of the EU, or any court or tribunal of Poland or the United Kingdom, to find that laws, regulations or administrative provisions, practices or action of Poland or of the United Kingdom are inconsistent with the fundamental rights, freedoms and principles that it reaffirms. In particular, and for the avoidance of doubt, nothing in Title IV of the Charter creates justiciable rights applicable to Poland or the United Kingdom except in so far as Poland or the United Kingdom has provided for such rights in its national law."

Then there is a further limb to the protocol.

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): While the charter may indeed not provide for new rights, the European Court will for the first time be able to interpret that charter in countries where it is justiciable and thereby—the charter is drafted in very broad terms—effectively make major new law, as supreme courts do around the world. Does that not explain why the protocol is crucial, but only if it is watertight? Will the Secretary of State explain why it was not made clear when the terms of the protocol were negotiated that it would apply regardless of any other European treaty or other law made by the European Court? Without that, there is a real risk, notwithstanding the generally welcome protocol, that a loophole within it may negate its purpose.

Mr. Straw: I thank the right hon. and learned Gentleman for that helpful intervention. It is our view that the protocol—it should be taken together with the other three safeguards, but this applies even to the terms of the protocol itself—contains the safeguards that the right hon. and learned Gentleman and the British Government seek. *[Interruption.]* If he thinks otherwise, I look forward to hearing his speech, but that is our view. It is very clear that the safeguards that I have described mean that the charter does not introduce new justiciable rights and that the courts, domestic or European, are being given no new powers to overrule the will of the House.

I should point out for the avoidance of doubt, and since the issue is raised teasingly in the Opposition amendment, that the protocol does not operate like an opt-out, but the broad purpose is similar: opt-outs and protocols are there to provide safeguards for the UK. It does not disapply rights to UK citizens; given that the United Kingdom fully accepts the rights reaffirmed in the charter, there would be no need to do so. However, it ensures that what is in the charter is not additionally justiciable, as it might have been had it not been for the charter.

Mr. David Gauke (South-West Hertfordshire) (Con) *rose—*

Mr. Straw: No, I am going to make some progress and deal with the issue of labour rights, which is of concern to Members on both sides of the House. Paradoxically, critics of the charter either bemoan the potential disparity in the level of workers' rights across Europe, which they suggest will lead to legal chaos, or

alternatively complain that the charter will open up our own employment laws to new legal challenges. Let me clarify the position.

UK employees and citizens in general will not have fewer rights because of the protocol. In any event, as I said, the charter does not provide any new rights. Rather, it simply makes the rights that we already have more visible, and once the treaty comes into effect, it calls on EU institutions and member states to abide by them when they are implementing EU law. I have already quoted what the European Commission sets out on its website.

It is true that, under the treaty establishing the European Community, the European Union already has power to legislate, by unanimity, for collective defence of workers' interests in the social chapter, but it has no powers to decide what rights to strike should exist in national law. Article 137 states:

"The provisions of this article shall not apply to pay, the right of association, the right to strike or the right to impose lockouts".

The Lisbon treaty does not change that; nor does the charter affect it. The explanation to Article 28 is explicit:

"The modalities and limits for the exercise of collective action, including strike action, come under national laws and principles".

The existing rights and principles recorded in the charter will continue to work as they always have. The protocol serves to put that beyond doubt, but it does not create any disparity between workers across Europe.

Mr. Heathcoat-Amory: Will the Secretary of State give way?

Mr. Straw: No; I want to make some progress.

The Government can be proud of their record in championing the rights of British workers. Perhaps the most substantial, as well as the most symbolic, difference between us in the Labour Government and Opposition Members lies in the social chapter. As my right hon. Friend the Member for Rotherham put it so aptly,

"There is only one major EU agreement Britain has signed up to that differs from all the EU rules Conservatives lived with up to 1997. That is the social chapter."

I am proud that we signed up to it.

The social chapter was designed to create a minimum guaranteed level of social protection across Europe. It prevents countries from competing unfairly by allowing their workers to be exploited. I should have thought that, given all the concern about competition from eastern European workers, the Conservative party would now have realised the error of its ways. The last Conservative Government negotiated an opt-out, but we had a manifesto commitment, and we joined the chapter in 1997. As many Conservatives think that there are demons in it, let me mention that it includes the right to paid maternity and paternity leave—is the House opposed to that?—and the right not to be discriminated against on grounds of sexuality, religion or belief, or age.

The right hon. Member for Witney (Mr. Cameron) has said that he supports flexible working, yet he told his party conference:

"I can tell you that we will get out of the European Social Chapter."

Opting out of social chapter rights would simply make it harder for parents to balance work and their caring responsibilities, and could even remove the right to paid holidays. The Opposition have consistently opposed the basic minimum standards enshrined in the chapter and reiterated in the treaty, which have been of particular benefit to low-paid women workers. I hope that the hon. Member for Aylesbury will tell us which elements of the chapter—they have delivered real rights and benefits to our citizens—the Conservative party plans to remove.

As well as clarifying and guaranteeing the rights of men and women, the treaty means that, for the first time, the European Union establishes the rights of the child as one of the general objectives of the Union.

Michael Connarty (Linlithgow and East Falkirk) (Lab): I look forward to hearing from my right hon. Friend about the rights of children, which the treaty fundamentally improves. However, it is clear that parts of article 137—article 153 of the consolidated treaty—will be subject to a passerelle clause. I am thinking of

"protection of workers where their employment contract is terminated...the information and consultation of workers....representation and collective defence of the interests of workers and employers, including co-determination".

Should the passerelle be applied, those provisions might be subject to qualified majority voting rather than unanimity, and this country could lose its veto. Other countries could decide to override it if they gained a majority in the Council.

Mr. Straw: Where there is a passerelle clause, the move from unanimity to qualified majority voting can take place only if unanimity itself exists. We have an absolute veto in relation to whether we wish to move to qualified majority voting. Moreover—I know that this is not a matter to be discussed today, but I will mention it in passing—the Bill makes special provision whereby the House must vote in respect of any move from unanimity to qualified majority voting via a passerelle.

Several hon. Members *rose*—

Mr. Straw: I wish to conclude now; I am sorry to disappoint—

Mr. Shepherd: Will the right hon. Gentleman give way?

Mr. Straw: Go on then.

Mr. Shepherd: I am grateful to the right hon. Gentleman for giving way—although, to add a note of sourness, I feel that I must say that his performance would have been better given in Blackburn market.

Two courts are relevant to this House: the European Court of Justice sitting at Strasbourg and the European Court for this treaty arrangement. Where there is a conflict in interpretation of human rights, which court prevails?

Mr. Straw: Strasbourg.

Jon Trickett (Hemsworth) (Lab): I am grateful to my right hon. Friend for taking so many interventions. I share his pleasure about the directive he mentioned on workers' rights, but may I draw his attention to title IV of the charter, for which there is the special provision that he has referred to? Will he explain why we have decided that title IV will not create any new justiciable rights that are applicable to the United Kingdom? Finally, will he say whether it is the UK's intention to secure a majority for the agency workers directive?

Mr. Straw: That would put the issue beyond doubt. The Under-Secretary of State for Justice, my hon. Friend the Member for Lewisham, East (Bridget Prentice), will be able to go into this matter in more detail when we come to the winding-up speeches.

Mr. Cash: Will the Secretary of State give way?

Mr. Straw: No; I am going to finish, and I have already given way to the hon. Gentleman.

To conclude my previous point, as my hon. Friend the Member for Hemsworth (Jon Trickett) knows, the issue of agency workers has been the subject of considerable discussion in this country and between us and other member states. That can be, and will be—there is no reason why it should not be—resolved within existing treaty arrangements, notwithstanding the fact that we do not currently have the benefit of the treaty including the charter.

Several hon. Members *rose—*

Mr. Straw: I will not give way again, as I wish to conclude—I am sorry to have to disappoint the House by saying that my speech will shortly come to an end.

I firmly believe, as do the Government, that Britain's best interests are served by working with Europe and by being closely involved in the Union, but on our terms. The negotiations that led to the Lisbon treaty have achieved that. British interests are strengthened through a series of opt-ins and opt-outs, and in the matter of the charter, not least through the binding protocol. I hope that there is cross-party consensus that there are overwhelming benefits to the British people as a result of our honouring international commitments regarding human rights. Even those on the Opposition Front Bench, in spite of the endless inconsistencies and contradictions of their policy in this area, seem now to have realised that it would be folly of the gravest kind to do what many Opposition Members were toying with doing not long ago: withdrawing from the European convention on human rights. I welcome at least that late change.

I also issue a warning, however. I fear that those who seek to attack the treaty by attacking its human rights provisions are at risk of doing great harm to the interests of the British people, as well as being injurious to our international reputation. We brought rights home to make it easier for our citizens to access their rights, and to make human rights considerations part and parcel of policy making. It is now time that we reinforce that protection across the entire EU regardless of where British citizens happen to be. We can do that through the Lisbon treaty—through the human rights provisions linked to it and the extensive safeguards that we have secured—and I commend the motion to the House.

4.33 pm

Mr. David Lidington (Aylesbury) (Con): I beg to move, to leave out from "House" to end and add instead thereof:

"disapproves of the Government's policy towards the Treaty of Lisbon in respect of human rights because of its incoherence and inconsistency on the status of the Charter of Fundamental Rights in the United Kingdom; notes that after the Intergovernmental Conference was agreed the previous Prime Minister told the House that "it is absolutely clear that we have an opt-out from both the Charter and judicial and home affairs"; notes that the Minister for Europe told the House when debating the Treaty of Lisbon that "the fact is that the United Kingdom has neither sought nor achieved an opt-out on the Charter of Fundamental Rights"; and calls on the Government to adopt a clear and consistent policy whose merits Parliament may then judge."

I am delighted that the Secretary of State opened the debate on behalf of the Government. I congratulate him on his speech, which was a masterpiece of obfuscation. Opposition Members admire the way in which he shimmies around any challenge to do with the substance of the charter of fundamental rights and the content of the treaty. To develop the image of the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), we see the right hon. Gentleman as the Kyran Bracken of the Government Front Bench. It is not just his experience as Foreign Secretary that commends him to us. Conservative Members' regard for the right hon. Gentleman is only enhanced by knowing that it was he who bounced the former Prime Minister into promising a referendum on the European constitution. After the French and Dutch votes he pledged that

"there will be no proposals made by this Government that seek to bring in this constitutional treaty, or elements of it, by the back door."—[*Official Report*, 6 June 2005; Vol. 434, c. 1000.]

Mr. MacShane: Let us focus on a pledge and a promise made by his party leader. Is it Conservative policy to withdraw from the social chapter if they form a Government?

Mr. Lidington: The right hon. Gentleman knows what my right hon. Friend the Leader of the Opposition said about seeking to restore national Parliaments' control of employment measures. He will have to wait with bated breath for the detailed presentation of Conservative policy, but I can promise him that his appetite will be satisfied well before the next election. *[Interruption.]* I am always impressed by the way in which Labour Members become increasingly excited by the prospect of what the future Conservative Government will do.

The right hon. Member for Rotherham (Mr. MacShane) tried to come to the Lord Chancellor's rescue, but Conservative Members know what the Lord Chancellor said about his commitments on consulting the people, we know what he really thinks and we still cherish the hope, even at this late stage, that he will be prepared to step up to say what he privately believes about the need to consult the people.

There is a sense of poetic justice in our debating human rights today, because yesterday's events and the treatment meted out to the right hon. Member for Birkenhead (Mr. Field), and the hon. Members for

Manchester, Blackley (Graham Stringer), for Birmingham, Edgbaston (Ms Stuart) and for Vauxhall (Kate Hoey) remind us that the rights to free speech, due process and a fair trial need to be defended today with vigilance and determination. The Prime Minister must have set some new standard in ordering the persecution of four Members of Parliament for seeking to deliver something that not only they but he had promised the British people at the previous general election.

Let me deal with the motion, the treaty's content and its human rights elements. Three key elements of the treaty should concern us this afternoon. Paragraph 2 of article 6 provides for the European Union to accede to the European convention on human rights, but the Secretary of State did not give us a likely timetable for that. It might help if the Minister for Europe's response threw more light on that proposed time scale and on whether negotiating problems must still be overcome before accession.

The Secretary of State assured my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) that in the event of a clash of judgments between the two courts, the European Court of Human Rights' decision would take precedence, but I can find nothing in the treaty text to support the Government's assertion. Ministers have a duty to explain in much greater detail exactly how such a conflict would be reconciled.

Mr. Cash: Perhaps I may assist my hon. Friend. The Secretary of State is wholly wrong in his assertion, because article 6 clearly states:

> "Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law."

Therefore, the European Court of Justice would interpret the matter and would therefore take precedence.

Mr. Lidington: In the absence of any detailed argument to the contrary, I find my hon. Friend's case persuasive. This is not an academic point, because such a clash actually happened when the ECJ ruled that the treaties did not permit Britain to allow Gibraltarians to vote in European parliamentary elections and the European Court of Human Rights declared that Britain's failure to give such votes to Gibraltarians left this country in breach of the European convention on human rights.

Mr. Redwood: Does my hon. Friend agree that the major fallacy in the Secretary of State's argument is that all these rights, if we like them, can be granted by this Parliament and interpreted and enforced through our courts, with the advantage that if we do not like them as they evolve we can amend them here without needing the agreement of 26 other member states?

Mr. Lidington: Throughout his speech, the Secretary of State carefully sidestepped the challenge posed by my right hon. Friend.

Ms Patricia Hewitt (Leicester, West) (Lab): Surely the point is that the European convention on human rights provides explicitly that the European Court of Human Rights will interpret rights under the convention. Thus, in acceding to the European convention on human rights, the European Union will be bound not only by the principles of the convention, but by the decision of the Court in interpreting the convention. That is the point, and that is why the hon. Member for Stone (Mr. Cash) is wrong.

Mr. Lidington: The problem with the right hon. Lady's assertion is that we do not yet know what the text of any accession agreement between the EU and the ECHR will be. The language that my hon. Friend the Member for Stone (Mr. Cash) quoted indicates that the European treaties already contain provisions that tilt the argument in the opposite direction.

The Government have done a somersault on children's rights. In the early stages, the right hon. Member for Neath (Mr. Hain) tried hard to delete any mention of children's rights from the text, on the grounds that its inclusion would be an extension of EU competence. Now, Ministers hail the inclusion of a reference to children's rights as some negotiating triumph. The Government still refuse to come clean over whether the words do matter and they made a concession of some significance during negotiations, or whether they believe that the reference is innocuous and changes nothing about EU competence. In the latter case, it hardly merits the fanfares that they have been busy blowing.

The Government's failure to be straight with Parliament and the British people on that point encapsulates what is wrong with their approach to this treaty and how, in particular, they have dealt with the impact of the charter of fundamental rights—the subject that will, rightly, be the focus of most of today's debate, the prime purpose of which should be to probe the Government on their answers to two questions. First, does the fact that the Lisbon treaty gives legal force to the charter of fundamental rights transfer powers, either actually or potentially, from national Parliaments and Governments to the institutions of the Union, and especially to the Court of Justice? Secondly, if the treaty does have such an effect, do the words of the protocol that the Government have secured provide the safeguards for this Parliament that Ministers claim?

We know for certain that the Government fought hard to resist any incorporation of the charter in the treaty. In fact, the notes used by the right hon. Member for Neath at the time of the convention said that the objective of the British Government was to ensure that the charter was relegated from the text of the treaty into "only a protocol". The use of the word "only" in that context should lead us to question the significance of the protocol to which the Government attach such importance today.

The Government rely on three basic arguments to defend their position.

Mr. Davey: The hon. Gentleman says that the debate has to answer the question of whether the charter of fundamental rights extends the competences of the Union. Has he read article 6.1? It states:

> "The provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties."

Mr. Lidington: Yes. I want to deal with exactly that point in greater detail.

The Government have relied on three arguments to defend their position. First, they claim that the charter is nothing more than a declaratory statement and that it merely codifies rights that already exist. The Foreign Secretary asserted that as recently as 18 October last year, when he wrote to the Chairman of the European Scrutiny Committee to say that the charter

"only records existing rights; it does not create any new rights".

Earlier this afternoon, the Secretary of State for Justice said that the charter describes rights that already exist.

Secondly, like the hon. Member for Kingston and Surbiton (Mr. Davey), the Government argue that the words of article 6 of the consolidated treaty, together with the so-called horizontal articles of the charter, protect all member states—not only the UK or Poland—from the creation of new rights by the institutions of the Union.

Thirdly, Ministers claim that the protocol to the treaty in respect of this country and Poland alone makes it impossible for decisions of the European Court or the Commission to overturn the definitions of rights determined by our domestic law. The trouble is that when one starts to examine those claims in any detail, one realises that the safeguards appear less than watertight, as the European Scrutiny Committee found in its most recent report.

One also has to challenge the Government on a point of basic principle. If, as Ministers say, all the rights that are included in the charter already exist in both domestic law and the European convention on human rights, what is the purpose of the charter of fundamental rights being judicable by the European Court of Justice, too?

The charter sets out a number of rights that would, as a consequence of Lisbon, become for the first time rights that are embodied in EU law and judicable by the ECJ, even if they are not new rights. Most obviously, the recreation in the Lisbon treaty of the EU as a unitary legal entity means that subjects such as policing and criminal justice laws passed after Lisbon could be interpreted by the ECJ with the Court applying the rights and principles set out in the charter.

The treaty goes beyond the EU simply signing up to the European convention on human rights. The charter also includes a number of articles derived from other international agreements that have been entered into bilaterally by one or more of the member states. Those rights, too, exist in those member states but they have not hitherto been part of EU law and subject to the jurisdiction of the ECJ. In practice, when we hear the Government's arguments and look at what Ministers are doing and saying, we find that they are not behaving as though they believe that no new rights are being created. If there were no new rights and no new interpretations permitted of existing rights, why is there a need for the protocol at all?

The same applies to the argument put by the hon. Member for Kingston and Surbiton. If article 6, and in particular paragraphs 1 and 2, do not under any circumstances permit the extension of EU competence or the interpretation by the court of what is meant by EU competence, it is difficult to see the justification for the protocol in which the Government place such store.

Mr. Davey: May I refer the hon. Gentleman to an article by Professor Dashwood? He asked that same question:

"What then is the purpose of the Charter Protocol?"

His ruling was that it was

"Simply, it would appear, to make assurance doubly sure for those in the United Kingdom that remain determined to see the charter as a ravening beast, when it is really a paper tiger."

Mr. Lidington: I think that the learned professor's arguments do not match the arguments advanced by the Government to justify the contradiction in their approach. The hon. Gentleman argues that everything is safe but, if that is so, there is no need for the protocol that the Government have negotiated.

The Government point to paragraph 4 of the charter's article 112. It requires that rights must be "interpreted in harmony" with the

"constitutional traditions common to the Member States."

Ministers have argued that the ECJ will take clear account of what happens in individual member states before it gives a ruling. The problem, once again, is that the decision about whether a particular interpretation of rights is "in harmony" with national traditions will be made not by national Governments or Parliaments but by the ECJ.

The ECJ will not be under a duty to look separately at each country's national traditions. Instead, the wording of the article makes it explicit that it will look at the traditions common to all member states. Where national traditions differ, ECJ judges will decide what balance they wish to strike. The president of the ECJ could not have made that clearer when he said that

"common constitutional traditions do not form a direct source of Community law and the Court of Justice is not bound by them".

The trouble with the Government's approach generally is that they consistently understate the importance of the debate about the ECJ's developing jurisprudence, which introduces a dynamic into a system that the Government seem to regard as frozen, now and for all time.

Let us look at the protocol that Ministers argue will stop the Court overturning the human rights provisions in our national law. The Government have placed particular emphasis on the fact that the UK has an exemption from the normal rules governing labour law. The Opposition and some Labour Members may have differences over policy, but we share a concern to get greater certainty about what is being proposed.

Title IV—the so-called solidarity title—deals with employment and industrial relations, but it raises as many questions as it answers. The protocol says that it is needed for the avoidance of doubt, but presumably such doubts continue to exist about the Court's power to interpret and overrule domestic law as that touches on the other 42 articles of the charter of fundamental rights. If there is not any doubt about that—if the UK's position is safeguarded—why is paragraph 1.2 needed at all?

The fundamental question for the Government goes deeper. Let us assume that Ministers are right to say that the protocol will stop the ECJ from striking down UK laws directly. That still leaves the question of how our law will be changed over time by ECJ decisions on

rights in countries that are not subject to that protocol. The Government have produced no plausible argument that we can avoid our law being changed as a result of decisions about the charter being made in respect of other countries.

The Opposition have not invented that problem. The European Scrutiny Committee focused on it very strongly in its third report of the present Session, which was a follow-up report on the intergovernmental conference.

Mr. Gauke: Was my hon. Friend struck—as I was—by the fact that when our right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind) put that argument to the Lord Chancellor during the right hon. Gentleman's speech he merely asserted that it was not the case and then moved the subject rapidly on?

Mr. Lidington: I thought that our right hon. and learned Friend put the point well and that the Lord Chancellor, with customary skill, avoided providing a persuasive answer, just as the Government have been unable, as far as I can see, to provide a persuasive answer to the comments of the European Scrutiny Committee.

Paragraph 38 of the Committee's report said plainly:

"If the ECJ gives a ruling in a case arising outside the UK on a measure which also applies in the UK, the duty to interpret the measure in accordance with that ruling arises, not under the Charter, but under the UK's other Treaty obligations. Nothing in the Protocol appears to excuse the UK from this obligation."

In paragraph 40, the Committee said that

"we doubt if it is possible to guarantee that it"—

the charter—

"will not be developed and amplified by the ECJ. We equally doubt if it is possible to guarantee that the ECJ will not draw on the Charter as a new source for interpreting measures of Union law such as Directives".

In paragraph 41, the Committee concluded:

"If the ECJ does interpret a measure of Union law in this way, we believe the resulting interpretation would be binding in the UK, because of the UK's treaty obligations, notably the duty of sincere co-operation under Article 4(3) EU. These obligations are not excluded or restricted by the Protocol. On the contrary, and as the recitals make clear, the Protocol is subject to those obligations."

Sir Malcolm Rifkind: Does my hon. Friend agree that if the Government had been more competent in negotiating the terms of the protocol the problem would not have arisen? It would have been easy to say that the protocol should have effect regardless of other treaties or other EU law. In that way the protocol would have been watertight.

Mr. Lidington: My right hon. and learned Friend's remarks are spot-on. As he knows, other protocols appended to European Union treaties include precisely the sort of clause he has in mind.

Mr. MacShane: In fact, what the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind) proposes, and I think Conservative Front Benchers accept, is that Britain should have a unilateral right to take no notice of ECJ rulings. On that basis, the single market collapses.

Mr. Lidington: That is not what my right hon. and learned Friend the Member for Kensington and Chelsea was advocating. The right hon. Member for Rotherham (Mr. MacShane) ignores the fact that a clause that such and such a protocol should apply notwithstanding other treaty provisions or European Court of Justice judgments is included in a couple of protocols already agreed and appended to European Union treaties, so there is a precedent.

Mr. Davey: We confirm that point in other areas of EU law, which are not always applied uniformly; for example, in other treaties the UK has opt-outs or opt-ins on protocols and when the ECJ rules on those areas of law it is not able to apply its rulings uniformly across the EU. Does the hon. Gentleman accept that point?

Mr. Lidington: The hon. Gentleman has still not grasped the fact that the Court's indirect application to UK law of decisions based on the charter will circumvent any opt-out of the sort he described.

Mr. Redwood: Is there not a simpler point? The European Court of Justice is a federalist, activist Court, which over time always makes judgments in favour of more European power, so why take the risk? We could opt out of the whole provision and not include it in the treaty.

Mr. Lidington: It is not only my right hon. Friend who says that Britain should opt out of the charter of fundamental rights; it was originally the position of the Labour Government, but they have subsequently abandoned it. If we further consider the likely consequences of a European Court of Justice decision deriving from the application of charter rights, we can see that irrespective of the protocol, any company that operates in more than one EU member state will change its practices across the EU, even in the United Kingdom or Poland, once the ECJ has given a judgment on what has gone on in one particular country.

Mr. Harper: Perhaps I can help my hon. Friend and the hon. Member for Kingston and Surbiton (Mr. Davey), whose colleague, Liberal Democrat MEP Andrew Duff, has said in a document called "A primer on the EU's reform treaty":

"Regardless of the UK's exclusion clause, the EU courts will be bound to develop jurisprudence in fundamental rights matters which steadily evolve into general principles of EU law which all member states must respect."

That makes it clear that what my hon. Friend the Member for Aylesbury (Mr. Lidington) says is in danger of happening is exactly what will happen. Perhaps the hon. Member for Kingston and Surbiton ought to look at what his colleagues elsewhere are saying.

Mr. Lidington: My hon. Friend is more optimistic than I am; I have long given up hoping or expecting to hear a consistent message from members of the Liberal Democrat party.

Rob Marris: I am grateful to the hon. Gentleman for giving way; he is being very generous. He is eliding two things. The European Court of Justice may make a decision on an area in which the United Kingdom has

[Rob Marris]

rights, and that would affect us, but it also may make decisions about areas on which we do not have national rights, and that would not affect us. That is set out in paragraph 2 of article 1 of the protocol, which says:

"In particular, and for the avoidance of doubt, nothing in Title IV of the Charter creates justiciable rights applicable to Poland or the United Kingdom except in so far as Poland or the United Kingdom has provided for such rights in its national law."

If an ECJ decision is on an area where we have not provided national rights, the situation is different.

Mr. Lidington: Unusually, the hon. Gentleman has failed to understand the thrust of the argument put not only by me but by the European Scrutiny Committee in its report: that even if we give the Government the benefit of the doubt and say that the protocol and the language of the treaty protect the United Kingdom from the imposition of ECJ decisions that directly override our national law, we are still left with the issue of what happens when the ECJ takes a decision in respect of a country other than the United Kingdom or Poland, and that decision has consequences for the way in which we in the United Kingdom conduct our affairs.

Mr. Clappison: On that point, does my hon. Friend share the European Scrutiny Committee's concern about the preamble to the protocol? It reaffirms

"that this Protocol is without prejudice to other obligations devolving upon...the United Kingdom under the Treaty on European Union, the Treaty on the Functioning of the European Union, and Union law generally".

The Committee was concerned that that meant just what has been suggested—that the United Kingdom's other obligations under European law include ensuring even application throughout the European Union, including in the United Kingdom, of ECJ judgments that relate to other member states where the charter does have effect. That would give effect—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. Interventions are getting quite long, and I have to keep my eye on the time as this is a time-restricted debate.

Mr. Lidington: I shall try to make some progress and bring my remarks to a close. I am grateful to my hon. Friend the Member for Hertsmere (Mr. Clappison) for making an important point and further drawing out that element of the European Scrutiny Committee's report.

One must bear it in mind that any new legislation initiated by the European Commission, and affecting the entire European Union, is certain to follow the decisions made by the European Court of Justice on specific cases. Even if the protocol means that the United Kingdom is exempt for a time, once a decision has been made in respect of, say, Austria or Romania, subsequent legislation from the Commission on that topic will follow not the position in the United Kingdom but the situation brought about by the ECJ judgment. That legislation will then become binding on the United Kingdom.

The only way in which the protocol could insulate the United Kingdom from the impact of Court decisions based on the charter would be either for the protocol to have included the kind of clause described by my right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind), or for the Court of Justice to permit the development of two separate systems of jurisprudence within the European Union—one for the United Kingdom and Poland, and the other for all the other member states. I see nothing in the charter, nothing in the treaty and nothing at all in the traditions of the European Court of Justice that makes that seem remotely likely.

I fear that once again on this issue, as on others in respect of Lisbon, the Government have been trying to pull the wool over our eyes. We have had from successive Ministers a series of different positions on the charter of fundamental rights. We first had the then Minister for Europe, the right hon. Member for Leicester, East (Keith Vaz), saying that it was of no more significance than *The Beano*. Then, as recently as last June, the former Prime Minister declared that

"we will not accept a treaty that allows the Charter of Fundamental Rights to change UK law in any way."

A month later in their White Paper the Government had slithered into a position where they were committed simply to ensure

"that our existing labour and social legislation remains intact".

Back in June, Tony Blair was insisting:

"It is absolutely clear that we have an opt-out from both the charter and judicial and home affairs"—[*Official Report*, 25 June 2007; Vol. 462, c. 37.]

and just weeks after that, the current Minister for Europe told the Scrutiny Committee:

"The UK specific protocol which the UK secured is not an 'opt out' from the Charter. Rather, the protocol clarifies the effect that the Charter will have in the UK."

By January this year the Minister was saying that

"the United Kingdom has neither sought nor achieved an opt-out from the charter of fundamental rights"—[*Official Report*, 28 January 2008; Vol. 471, c. 34.]

a fairly shameless rewriting of history, even by the standards of the present Government.

The British people deserved their Government to speak to them on these issues with both clarity and candour. Instead, again and again, we have been subjected to spin. Nothing that the Secretary of State has said this afternoon has persuaded me that we can have confidence in the Government's assurances and promises any more than we were able to believe those that they have repeated to Parliament and the public over the past few years. For that reason, I ask the House to support the Opposition amendment tonight.

Several hon. Members *rose*—

Mr. Deputy Speaker: Order. Now might be the moment for me to remind hon. Members that Mr. Speaker has placed a limit of 12 minutes on Back-Bench speeches, which operates from this moment.

5.7 pm

Mr. Andrew Dismore (Hendon) (Lab): We have had a great deal of discussion of the charter of fundamental rights. I am not sure that I can add substantially to it,

other than to say that I believe it brings existing rights together and makes them more visible, as the charter says, drawing them from a variety of different sources—civil, political, economic and social.

Although we have the protocol, there is nothing in the charter itself that we could realistically object to. Indeed, it would do a great deal to strengthen our rights in this country, and I would like to see it in force in the United Kingdom, even though the protocol ensures that it does not apply. As it is drawn, the charter applies only in relation to European Union law or action taken under the treaty. Although the charter is made legally binding by the treaty, that is only in the context of European law. It contains not just rights but aspirational principles.

The Fundamental Rights Agency has the job of monitoring compliance with the charter. The agency emerged in 2003 under the Italian presidency and was drawn from the existing Monitoring Centre on Racism and Xenophobia. Much of its residual experience is drawn from that and that is reflected in the future work pattern of the Fundamental Rights Agency. The agency was negotiated under the UK presidency as a first-pillar agency under article 308 of the Nice treaty. Its duty is to enforce the charter of fundamental rights and, although other human rights instruments could inform its work, the FRA cannot actually enforce them. Its job is to monitor member states and EU institutions. It is also its job to monitor accession states but only after accession has been completed, which is a problem. I may be wrong, but I do not think that the charter and the FRA are taken into account during the negotiations for accession. This happens only after an accession agreement has been signed. That reflects a gap in the effectiveness of the agency and the charter. A much stronger lever could have been provided in the accession processes for Bulgaria and Romania, for example, where significant human rights issues needed to be addressed before the accession process was completed. That is doubly so in the case of Turkey where significant human rights issues have to be addressed before the accession process is completed.

There has been much debate about why we should have the charter—and, indeed, the FRA—when we already have the European convention on human rights and the Council of Europe, but until the EU accedes to the European convention, however, there is no monitoring of EU institutions for human rights compliance without the FRA. The agency can ultimately look at the gap in performance between the EU institutions such as the Commission and the Parliament.

Mr. Grieve: The hon. Gentleman is making an important point about the need for the European Union to adhere to the European convention on human rights, and the fact that it has not been unknown for the Commission, for example, to violate human rights through its activities. Does he share my anxiety that, although it is implicit in the treaty that accession to the ECHR will take place, the mechanism and the precise text for achieving that are not before us? Such information could give us the kind of reassurance that the Lord Chancellor described when he said that the mechanism would be such that the ECHR and the Court of Human Rights would be supreme over the European Court of Justice in this area.

Mr. Dismore: I have some concerns about human rights principles, but that is not one of them. I hope to develop that argument later in my speech.

At present, human rights are subject to monitoring by the Council of Europe, United Nations treaty bodies, non-governmental organisations and national institutions such as my own Committee, the Joint Committee on Human Rights. There is a need, however, to translate that monitoring into remedial action, if it is required, within the EU framework. The agency could fulfil that responsibility.

Mr. Cash: In respect of the potential conflict between the two jurisdictions, the hon. Gentleman might recall that the July 2007 White Paper states:

"There are complex legal issues involved in EU accession to the ECHR. These problems would have to be resolved before the Government could support it."

We have no evidence that those matters have been resolved.

Mr. Dismore: I will be coming to the question of accession later in my speech.

At the moment, I am talking about the Fundamental Rights Agency, which has an obligation to complement the Council of Europe so as to avoid duplication. The Council of Europe's responsibility is to set the standards for human rights—such as those that we see in the convention—to monitor compliance with those standards and to provide a judicial function through the European Court. On the other hand, the European Union has a legislative function and a political function and much better enforcement capabilities. It seems to me, therefore, that the agency's job should be to develop recommendations from the Council of Europe and to implement them in such a way as to ensure that standards are met at EU level. I am pleased that a memorandum of understanding was signed by the EU and the Council of Europe in May last year.

I have some doubts about the independence of the FRA, however, and whether it complies with the Paris principles. According to those principles, it should be independent, but, given the way in which the regulations that drew it up were framed, I doubt whether they fully comply with those requirements. Its work is to gather information, analysis and reports and to take an advisory role. It does not have investigative powers or powers of scrutiny, which is a problem. That is a major gap in the agency's work.

Scrutiny is not among the activities set out in article 5. The lack of scrutiny of EU legislation for compliance with human rights is one of the big gaps. That process is pretty well missing. I believe that the European Scrutiny Committee made a recommendation about this, as did the Committee in the Lords in 2006. I suppose I am advocating something similar to part of the role of my own Committee, which scrutinises domestic legislation for its compliance with human rights standards. It is said that the Commission's job is to ensure compliance, but that raises the issue of who monitors the Commission's work, a point raised by the hon. Member for Beaconsfield (Mr. Grieve). Realistically, that should be the role of the Fundamental Rights Agency, although it does not yet have it. Nor, I suspect, does it have the relevant expertise. It does not have the indispensable legal advisers that my Committee has, nor a partner equivalent to ours—the Ministry of Justice—that has an overarching responsibility

[Mr. Dismore]

to ensure compliance and to co-ordinate across government. Ultimately, that should be part of the presidency's job.

Human rights scrutiny should be done at the earliest possible stage of European legislation—long before it reaches member state Parliaments, where any such scrutiny will be cursory at most. My Committee does not have the resources to scrutinise European legislation properly for the purposes of human rights; as it stands, we are pretty stretched doing our domestic job. That important aspect should be addressed.

As I mentioned, the Fundamental Rights Agency is a first-pillar organisation, although originally it was intended to be a third-pillar one. The Lisbon treaty, of course, abolishes all references to pillars, but regulations for the agency remain first-pillar arrangements, although under article 31 there are provisions for review. It seems to me that in practice it would be impossible for the agency to do its job effectively if it were simply a first-pillar organisation. For example, to monitor and scrutinise effective action against people trafficking involves the full range of the three former pillars: not only European institutions, but police, justice and crime—and, I suppose, foreign affairs, given the issue of source countries. If we are to enforce on the issue of people trafficking, we need to recognise that.

The work programme of the Fundamental Rights Agency is interesting. Many British universities have also been involved in its work. The survey on discrimination against and victimisation of migrants is similar to the British crime survey. I am pleased to see that my old university, Warwick law school, is working on good practice in ethnic profiling by police and border forces, and I am sure it will produce an excellent report. As a result, there is analysis of how migrants are treated by the media. I wish the school luck on that; my Committee did some work on that issue and found it difficult.

Edinburgh and Glasgow universities are supporting work on pathways to violent radicalisation, although I think it potentially rather simplistic. There is also work on homophobia and the protection of children's rights in the light of the new rights in the treaty—objective indicators are being considered to measure progress in that respect. There is also holocaust education, on which we have a good record.

Earlier, the issue of EU accession to the European convention on human rights arose. It arose because of a 1994 European Court of Justice decision that the European Union could not accede. The Lisbon treaty, of course, provides for that mechanism. The real problem at the moment is getting the Council of Europe to agree—that requires unanimity on its part. All the countries involved have now ratified, save Russia, which I hope will get around to doing so before too long.

The risk of the European Court of Justice and the European Court of Human Rights developing divergent views on similar issues has been raised. It is important to recognise that those who advocate that line accept, effectively, that the charter and the European convention effectively deal with the same sort of issues—otherwise, the risk would not even be discussed. The answer is to look at the position of the ECJ as an EU institution. If the EU accedes to the European convention, it does so with all its institutions, including the ECJ. Effectively, therefore, the ECJ itself, as an EU institution, would become subordinate to the convention and the rulings of the ECHR. It would have to comply with views expressed by the European Court of Human Rights as arbiter of the convention. The circle is easily and properly squared by simply looking at the status of the different institutions that would follow from that.

I am pleased that the charter incorporates children's rights into the treaty under chapter III, which covers equality. It is a pity that that will not apply in the UK, because that might help us to deal with the reservation that the UK has expressed about the convention on the rights of the child in relation to immigration matters, which is now under review by the Government. I hope that we do not have to rely on the charter to resolve that.

Several issues arise in relation to the protocol. Nothing in the charter creates new justiciable rights, partly because of subsidiarity and partly because the solidarity heads are not rights as such but are more by way of principles. Even if they were rights, it is possible in the long term that the ECJ might make them enforceable. The protocol therefore becomes belt-and-braces protection. Having looked at the terms of the charter, that does not particularly worry me. The charter is an excellent document that sets out a whole series of excellent rights. It should inform our own future debates on a British Bill of Rights, which would, I hope, include most of the things that are set out in the charter, including the social, political and economic rights. That would be a huge step forward for our society and our democracy. I rather regret the reservation of the UK's position on the protocol. This is a very progressive document. We have nothing to fear from it and there would be an awful lot to be gained if it applied in the UK.

5.21 pm

Mr. Edward Davey (Kingston and Surbiton) (LD): It is always a pleasure to follow the hon. Member for Hendon (Mr. Dismore), especially when it is not a Friday. He speaks with great authority on these matters, and the Committee that he chairs does an awful lot of good work. He talked about the agency for fundamental rights and the fact that we are not absolutely clear how it is going to develop. I share his concerns. It will have an important role, but we need to be clearer how it will operate and how it will check the Commission. I hope that the Under-Secretary of State for Justice, the hon. Member for Lewisham, East (Bridget Prentice), will respond to the hon. Gentleman's comments.

I want first to set the scene for the positive role played in the development of human rights by Europe and by Britain. As the Lord Chancellor said, we should be very proud of that, and it is worth reflecting on. I also want to argue that there is nothing new of substance in the charter of fundamental rights—certainly nothing to be scared of—and to deal with remarks made particularly by Conservative Members in that regard. I then want to argue that the charter has a useful role and underlying purpose.

Mr. Dismore: I am sure that the hon. Gentleman recalls that the Lord Chancellor challenged Conservative Members to say which of the rights they disagreed with, and none has so far done so.

Mr. Davey: The hon. Gentleman is right, except in one regard—the right hon. Member for Wells (Mr. Heathcoat-Amory) appeared not to like academic freedom, so at least one Conservative Member has pointed to a right that they would no doubt get rid of.

Mr. Heathcoat-Amory: The hon. Gentleman has a gift for missing the point, and he has demonstrated it again. The assertion that scientific research must be free of constraint is in the charter, and it is entirely unconditional. Those of us interested in matters such as animal welfare and animal rights believe, contrary to that assertion, that Parliament should set limits to scientific research and that that should be debated and decided in a democratic Chamber according to the preferences of our constituents, not exported to a Court over which we have no control. That has nothing to with the hon. Gentleman's remark.

Mr. Davey: The right hon. Gentleman is the one who is missing the point. Not only is the article he refers to deduced from article 10, as the Lord Chancellor said in his answer, but it in no way fetters this Parliament in making laws in this area.

Mr. Lilley: Is it now the policy of the hon. Gentleman and his party to be in favour of the unrestricted right of research scientists to carry out experiments on animals?

Mr. Davey: The question is one of process and how we establish the restrictions if there are to be any. We believe that they should be decided in this House. We are debating legislation in this area in Parliament at the moment, in the other place. I do not see the right hon. Gentleman's concern.

Mr. Grieve: The hon. Gentleman started by echoing the Lord Chancellor's rather facile attack when he asked, "Which of these rights do you not like?" He was then forced, within about 35 seconds, to admit that it is all a matter of process. Perhaps we could now have a debate about process and whether the processes envisaged by the charter are sensible ones for this country to adopt.

Mr. Davey: It is a question of both. It is not just about rights or processes—[HON. MEMBERS: "Both!"] Of course it is a matter of both. And I have to say that I disagree with the hon. Gentleman deeply on both issues.

Mr. Clappison: Will the hon. Gentleman give way?

Mr. Davey: No, I would like to make some progress. I shall give way to the hon. Gentleman later.

I believe that this country has a proud record in pushing for human rights, and I believe that the European Union has played a superb role in pushing for them in other countries. In the early part of the debate, people were saying that it is important that British citizens have their rights protected when they go to other EU member states. I also think, however, that the people of Britain would like to see higher standards of human rights and civil rights in other EU countries.

One of the great dynamics behind the accession of other countries to the Union is that they are forced to raise their standards of human rights. We saw that in Romania, in particular. A decade ago, Members of this House were concerned about the way in which orphans were treated in Romania, and because of its desire to join the European Union, standards of child care, particularly for orphans, were raised massively in that country. That is surely something we all welcome. It is just one example of the many practical things that have happened because the European Union has said, "If you want to join the club, you have to meet our high standards of human rights."

Mr. Clappison: Will the hon. Gentleman give way on that point?

Mr. Davey: I will give way to the hon. Gentleman later.

I also think that my previous point applies to democracy. The whole point of the European Union is that it has forced people to accede to the democratic values that we share, and as the hon. Member for Wolverhampton, South-West (Rob Marris) said from a sedentary position, that is a very important development for the long-term peace of the world.

Human rights in the EU have been a major dynamic for good, but that is not to say that we can be complacent. One only has to read the reports of Amnesty International or Human Rights Watch, not just about such countries as Bulgaria or Romania, but even about this country, to learn that those who are watching EU Governments are noticing infringements of human rights. In such countries as Poland, we are seeing relatively extreme breaches of human rights. The 2007 Amnesty report states that in Poland:

> "Lesbian, gay, bisexual...people were subjected to discrimination and intolerance."

It refers to the problems faced by Romany people in Bulgaria, and with regard to Romania:

> "The Council of Europe and the European Parliament expressed concern at Romania's lack of willingness to engage in a thorough investigation into allegations of collusion with the US-led programme of renditions and secret detention centres."

The Amnesty report says that even in the United Kingdom

> "the government continued to erode fundamental human rights"—

a point that we have made continually. It is true that that the European Union has been a force for good in this area, but we cannot be complacent. That is why these debates are important, why the charter is important and why we should work with colleagues throughout the EU to go further in this area.

What extra dimension does the Lisbon treaty give human rights? It does not take us very far. Most of the big leaps in human rights occurred some time ago. Before Britain acceded to the European Union, the European Court of Justice dealt with protecting fundamental rights. That formed the basis of the principles of law that governed its rulings. Perhaps more significant is the way in which protecting human rights was developed by treaties, to which former Conservative Governments signed up. Conservative Members will have to answer that point.

[Mr. Davey]

It is interesting that the preamble to the Single European Act expressed the determination of European Community member states

"to work together to promote democracy on the basis of the fundamental rights recognized in the constitutions and laws of the Member States, in the Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter, notably freedom, equality and social justice."

In other words, the debate has been going on for a long time and parties throughout the House signed up to such protections. Article F of the Maastricht treaty states:

"The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms."

The background to our debate is therefore long established and was previously bipartisan. It is a shame that the Conservative party seems to be moving away from a commitment to those important human rights.

Rob Marris: It could be argued that such bipartisanship as existed finished in about 1996 or 1997, when the Conservative Government, to their shame, would not sign up to the social chapter or allow workers in this country a statutory right to paid holidays and so on. The Conservative party, to its credit, has held a fairly consistent position since 1996 or 1997 of not wishing to extend human rights. It is the wrong position but it is consistent.

Mr. Davey: I accept the hon. Gentleman's analysis. When Conservative Members eventually determine their position, we will see whether they change or continue with that lamentable record.

Mr. Clappison: Perhaps the hon. Gentleman will answer a question about Liberal Democrat policy. If there were an opportunity to do so, would Liberal Democrats withdraw from the protocol and give the European Court of Justice and the charter full effect in the United Kingdom, free from the purported restrictions of the protocol? Yes or no will do.

Mr. Davey: There is a case for what the hon. Gentleman says. The protocol does not do much. I shall argue that in due course. Lawyers to whom I have spoken say that it is a padlock on belt and braces. In other words, it is otiose. For those who have been worried—whether the CBI, those from the trade union movement or hon. Members—it may serve a purpose, but I hope that I will convince others that the protocol is an unnecessary padlock because we already have other safeguards.

When one examines the charter, some of the paranoid concerns quickly disappear. The charter records existing rights. When one reads the explanations, one finds their sources. It applies primarily to EU institutions. Conservative Members should welcome the fact that the EU institutions will be restrained and restricted and have to adhere to rights. If they believe in limited government and restricting the abuse of power, they should support that.

Some hon. Members have asked what the point of the charter is, if it does not contain much and simply assembles existing rights. The Lord Chancellor answered that question when he spoke of rights being more visible. We in this country and this House might think, "Well, we know those rights—we've debated them for decades." However, there are citizens in some member states and in countries that hope to join for whom such rights are strange and new, and would be welcome. Having a charter that brings those rights together, so that they can be put up in lights to say, "If you join the European Union, these are the sorts of the benefits that you can enjoy," is a good thing.

Mr. Harper: Given that all those rights supposedly exist already, would it not have been simpler to put them all in a book, rather than including them in a treaty that even the Commission accepts is designed to be unreadable and impenetrable?

Mr. Davey: I think that has already happened, so I am rather surprised by the hon. Gentleman's intervention.

If one then wants to argue about the impact of the charter—I do not believe that it introduces any rights, as I have said—or one is concerned about whether there are enough safeguards and protections, one has only to read the text in the surrounding documents. The preamble to the charter is specific and clear about the ambitions in the charter being deliberately limited. If one is still worried, one should look at the treaty of Lisbon. I quoted the second paragraph of article 6.1, which is absolutely clear, in an intervention on the hon. Member for Aylesbury (Mr. Lidington), but he gave no answer. One can then look at article 51.2, in chapter VII of the charter of fundamental rights, which could not be clearer:

"This Charter does not establish any new power or task for the Community or the Union, or modify powers and tasks defined by the Treaties."

Again and again, in all the documentation, the fears that are sometimes put forward are dealt with.

Mr. Cash: I have heard a great deal this afternoon about there being no new rights. Citizenship of the Union currently complements national citizenship, which has enormous implications for the charter, but the new arrangements are that citizenship of the Union shall be "in addition" to national citizenship. Those are two completely different matters, which have enormous implications for how we are to be treated under the European Court of Justice.

Mr. Davey: I look forward to hearing the hon. Gentleman explaining the massively significant difference in his speech, because it passes my understanding.

After all the protections that I have outlined comes the protocol, which is legally binding, which, as we have heard, could not clearer. People who are scaremongering about the impact of the charter should therefore go back to the text and see the protections that are there.

Jon Cruddas (Dagenham) (Lab): Does the hon. Gentleman not accept that the charter has already had a role in interpreting European law in this country recently? For example, BECTU—the Broadcasting Entertainment Cinematograph and Theatre Union—used it in recent litigation, while the Advocate-General referred to it when he granted holiday rights to those with less than 13 weeks' service.

Mr. Davey: Of course people will refer to the document, but then they are forced to explain the underlying sources of the rights contained within it. People can refer either to the charter, which is an easy reference document, or to the actual source—they can take their pick. However, before the charter becomes legally binding, they can still refer to the underlying directive, national law or provision in the European convention on human rights so, again, I do not see a problem.

We should be proud of the role that Britain has played in the development of human rights in Europe and across the world. We should continue to push the EU hard to develop its role on human rights. We should not gainsay the progress that has been made, but keep arguing. My only concern about the Government's position is that it is sometimes too defensive. I think there is a great story to tell about the EU's role in human rights, and I hope that the Government will join us in telling it loud and clear.

5.39 pm

Colin Burgon (Elmet) (Lab): Although the debate has been fairly wide-ranging, one issue that I do not think we have covered in the necessary detail is the place of working people in Europe. The Lord Chancellor devoted about five minutes of his 45-minute speech to it, and there has been only fragmentary mention of working people in the context of the rights that they can enjoy, but the issue is tremendously important. Europe cannot be a construct of the bureaucrats, no matter how much Peter Mandelson and others like him wish that it were. Unless it puts down roots among the people of Europe, as an institution it has no future.

I am interested in the drift of policy dictating the treatment of workers throughout Europe. It could be said that in the 1960s, 1970s and 1980s a strong dose of Keynsian politics informed EU policy, but in my opinion and that of other Labour Back Benchers—there may be only a few of us, but that does not mean we are wrong—there is no doubt that the EU is increasingly taking a neo-liberal direction. In that connection, I want to refer to two important recent rulings from the European Court of Justice: the Laval case—nothing to do with the Vichy traitor—and the Viking Line case. I shall deal with them in some detail. At least they will then be on the record, and can form part of the debate about whether trade union rights in Europe have been undermined or are becoming stronger.

Mr. MacShane: Will my hon. Friend give way?

Colin Burgon: Not at this stage.

Viking Line is a Finnish ferry company. In 2003, it decided to re-flag its vessel the Rosella in order to register it in Estonia and employ an Estonian crew on Estonian pay and conditions, thus cutting its wage costs by 60 per cent. The Finnish shipping union appealed to the International Transport Workers Federation in London, which sent a circular to all affiliates telling them not to enter into negotiations with Viking. The shipping union called for Viking to maintain existing pay and conditions, and then threatened to strike.

Once Estonia joined the EU in 2004, Viking sued the ITWF in the High Court for restricting its "freedom of establishment". The case was referred to the European Court of Justice, which ruled that in future any strike action affecting that freedom would have to meet stringent legal tests that the Court itself could assess. At that point, a danger light went on.

Although the Court did not, on the face of it, rule against the employer, I would argue that the ruling is excellent news for corporate lawyers in the long term. They will be able to threaten trade unions with long and expensive court cases in order to discourage the unions—which do not possess the same resources as big business—from taking collective action against outsourcing or similar corporate behaviour. It also has very alarming implications for basic trade union rights and freedoms. Our right to industrial action has always come from the democratic mandate of the union through its members, according to laws determined by this Parliament. Now it will also need to meet criteria imposed and assessed by unelected European judges.

Even more serious is the Laval judgment. Although most Members will know exactly what I am talking about, one or two will not, so I shall help them out. Laval is a Latvian company which, in 2004, posted workers from Latvia to work on building sites in Sweden, including the now infamous site at Vaxholm. The Swedish construction union asked the company to agree to the existing collective agreement in the building sector. It refused, instead operating under a Latvian agreement with lower pay scales that undercut the Swedish workers' wages. The Swedish union quite correctly went on strike, and as a consequence Laval's Swedish subsidiary went bust.

Laval then sued the union for its losses and the case was referred to the European Court of Justice. The Court ruled that the company's freedom to provide services in any member state should not be restricted by having to comply with a non-statutory collective bargaining agreement. In a particularly alarming section of the judgment, the Court argued that, because the EU posted workers directive set out minimum rights, it was unreasonable to force the company to comply with further agreements at local or national level. So instead of EU legislation setting minimum standards of rights at work, we now seem to be in danger of those standards being seen as a maximum.

Mr. MacShane: Will my hon. Friend give way?

Colin Burgon: My right hon. Friend is so persistent that I shall do so.

Mr. MacShane: I think that the clock that is timing my hon. Friend's speech has been paused. My hon. Friend is making a powerful point, especially on the Viking case. The Laval case would have been solved had there been a national minimum wage, which Sweden does not have; the company coming in would have had to abide by that. I accept the criticisms my hon. Friend is making, but does he accept that last week the ECJ gave a ruling on employees who have to look after handicapped people at home, which could help 6 million people in this country? It has also helped us with getting pensions for steelworkers and with—*[Interruption.]* I am sorry, but if my hon. Friend cannot take an intervention, I will sit down.

Colin Burgon: Thank you. I would welcome the chance to debate the matter; I will come to Rotherham, and we might discuss it in a closed meeting of trade unionists and Labour party members.

On the Latvia case, the Court also argued that the Swedish union had to recognise the agreement reached in Latvia. It referred the case back to the Swedish courts. One reason why it did so was that the charter of fundamental rights was not legally binding at that stage. Under the treaty, it becomes so.

I am glad that my right hon. Friend thinks that the argument we are beginning to construct is powerful. The two cases I mention show how the EU has in too many instances become a factor in accelerating a race to the bottom on labour standards across Europe. John Monks is always seen as a big supporter of Europe, but he has said the following in the light of those two cases:

"The court has ruled in effect that the right to strike is not as important as the unimpeded free flow of services and labour. As such, more 'social dumping'—namely downward pressure on wages from cheaper sources—is now acceptable and is to be encouraged. To trade unionists around Europe it is plain that the EU, which hitherto has generally upheld workers' rights—in contrast to the US, and sometimes, sadly, the UK—has now taken a neoliberal, anti-trade union turn."

Coming from John Monks, that is a powerful statement.

Jon Cruddas: My right hon. Friend the Member for Rotherham (Mr. MacShane) mentioned that, where robust legal frameworks are in place, some of this case law can be circumvented. The problem is that in our country these matters are premised on the history of autonomous collective bargaining where the state has minimal legal regulations, so the dangers my hon. Friend has outlined are even more acute for us.

Colin Burgon: That is an excellent point. These cases show that the EU is moving towards a policy of undermining workers' terms and conditions. I am sure that other Members will make that case today.

Another aspect of the charter is also of concern to me: that the freedoms of capital seem to have become fundamental rights of the EU. Title II of the charter contains rights such as the freedom to conduct a business, the right to property, freedom of establishment and the freedom to provide services in any member state. Unlike the workers' rights under title IV, they do not appear to be covered by the provisions of article 1, paragraph 2 of the protocol, which states only that title IV cannot create new rights except in so far as they already exist in UK law. The right to provide services and freedom of establishment, which were the key points in the Laval and Viking cases, are not so restrictive. Article 15, which contains them, does not contain the proviso that they exist only in so far as they are already in law. That is one reason why the unequal status of the different titles in the protocol is of particular concern.

I hope that the Government can reassure us that this is not as significant as it appears to be, because there are concerns that the situation could be made worse still if future EU legislation or Court rulings were to apply those principles even further. For example, the services directive had at its core the principle of freedom of establishment. The directive was intended to liberalise services on free-market principles. In its original form, the directive included areas that we would consider to be public services, such as health. Even more alarmingly, it enshrined the country of origin principle. That principle provided that where services are provided by a company based in a different country, the legislation of the home country would apply, with a few minimal exceptions, such as basic health and safety standards.

Thankfully, those elements were removed from the directive as a result of pressure from some member states and, eventually, a majority in the European Parliament. The Commission has never fully accepted that, and seems to be finding imaginative ways of bringing those elements back, such as in the recent health directive. In that light, I hope that the Minister can reassure me on a few points.

First, is there any danger that by making the freedom of establishment and the right to provide services fundamental EU rights they could become even more powerful tools for big business? Can he assure us that the Court will not give them greater consideration or overrule EU legislation that does not give them sufficient weight? Secondly, will the Minister assure this House that the Government will do their utmost to resist any attempt to revive the country of origin principle or any similar measure?

Several other hon. Members are waiting to take part in this debate, so I shall simply say that if the EU's direction of travel is increasingly market-oriented and neo-liberal, Ministers may rest assured that many Labour Members will begin to doubt the so-called construct of a social Europe, and that Europe will never engage the hearts and minds of millions of working people across the continent. That needs to be borne in mind as we discuss the European Union's future.

5.51 pm

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): The hon. Member for Elmet (Colin Burgon) made a thoughtful speech. He pointed out the significance of judge-made law, which is very relevant to some of the points that I would like to share with the House.

This debate is meant to be about human rights, but actually it is not about that, because, despite some of the political arguments that are occasionally used, there is an equal commitment to human rights on both sides of the House, from all Members of Parliament. The issue is how we decide what those human rights should be and how we are accountable to the wider electorate whom we serve both in this country and in the other countries of Europe.

The significance of the protocol that was negotiated by the Government—if it is watertight—is twofold. First, it is important because it is a further step towards the kind of à la carte Europe that I wish to see. I believe that model will enable not only Britain but many European Union countries that have concerns about excessive integration to reconcile their membership of the European Union. The protocol curbing the power of the European Court is important in that respect. Secondly, it is about the wider issue of the European Union's accountability to the electorate.

Let me comment briefly on both those fundamental issues. If the protocol works, it will curb, for the first time, the European Court's ability to make law in

substantive areas for the United Kingdom. We should realise that this kind of à la carte Europe, which Britain has pioneered, but in which other countries have participated, has several implications. First, it is not designed just for the United Kingdom. Poland has this protocol, and other European countries, such as Sweden, Denmark and a number of other states of that kind, have also opted out in various areas.

The second implication of an à la carte Europe is that it does not just give us the right not to participate in certain kinds of integration; we should also respect the right of other member states that may wish to go further. That right should be equally important. It should not have to be haggled about or negotiated, because it should be implicit in how we operate.

The Schengen agreement, the single currency, the protocol and the justice and home affairs provisions contain opt-outs for some countries, and not only for the United Kingdom. We must also take into account the hugely long transition periods for all the new member states from central and eastern Europe. Even if they want to join the euro, they may have to wait nine or 10 years in order to do so. That is not simply a transition; it means that for a generation there will be a European Union of the kind that we in this House should be much more comfortable about. That is an important point.

The second aspect to this matter is the wider issue of accountability to the electorate in respect of how our laws are made. Most of the dispute in this area in recent years has been not about the Court, but about qualified majority voting—it has been about the ability to take decisions that are not made unanimously. That covers very important issues, because inevitably when a minority of Governments do not vote for a proposition and it nevertheless takes effect in their nation states, there is no way that the electorates of those countries can hold their Governments accountable, because those Governments themselves were opposed to the measure imposed upon them. That is an argument as to why any decision to move to QMV should be taken carefully. I hope that such a move will take place in as few cases as possible.

I come to the issue of the Court, because that is what we are really discussing today. The situation is much more dangerous and disturbing than QMV, because a decision made by the European Court is different from a judgment made by a national court. If a United Kingdom court makes a judgment that embarrasses the Government or leads to a law that Parliament never thought it intended, Parliament has the power, if a sufficient majority exists, to reverse that court's decision by making new law. The Supreme Court of the United States has enormous power to determine new law and develop the law in a fundamental and often controversial way. If a consensus existed in Congress—it does not always—and the President and Congress agreed that the Supreme Court had created a situation with which they did not want to live, even the United States has it within its own power to reverse that situation, although that rightly involves a complicated and difficult measure.

Dealing with the European Court, rather than our national courts, represents a new situation. There is no way in which the decision of that Court can be reversed in a democratic fashion by those upon whom its judgment has an impact. The United Kingdom cannot reverse such a decision by itself, unless it has an enforceable protocol that can prevent the situation from arising in the first place. If the protocol does not apply, or it acts in other areas, a difficult situation arises. In theory, the only way in which a judgment of the European Court, however controversial, could be overturned would be if the Council of Ministers as a whole decided to reverse it. That would require not just a majority but a decision by all 27 member states, because any one state could veto such a change.

Mr. MacShane: I follow the right hon. and learned Gentleman's argument. How is this different in any way from the way in which the World Trade Organisation's adjudication panel imposes its rulings on countries, irrespective of the will of Parliaments and sovereign Governments? Those rulings have to be accepted.

Sir Malcolm Rifkind: I am grateful to the right hon. Gentleman for that point, because there is a fundamental distinction between the two situations. When one is dealing with the WTO or any international treaty that concerns itself with the relations between states, of course one encounters curbs of the kind that he mentions. We are increasingly seeing the European Union move into domestic law and into the rights of individual citizens in respect of their health, housing, education or personal rights in a way that has no relevance to the WTO situation.

Mr. MacShane: Let us consider the case of genetically modified organisms. The WTO is moving towards insisting that those should be freely traded. For many, although not for me, that has a huge impact on health considerations. Trade cannot be divorced from the health, social and other aspects.

Sir Malcolm Rifkind: I do not doubt that a choice will have to be made in some areas and that occasionally, with a great lack of enthusiasm, we will have to acknowledge that an international court may need to be the body that makes law that imposes itself on us, as it does on all other countries. The right hon. Gentleman should not get carried away with enthusiasm. I am saying that the onus will be on those who want such a situation to prove that this country's citizens have an enormous interest in sacrificing their own control over how decisions are made in order to achieve certain objectives. Sometimes that test may be met, but such occasions will rightly be relatively rare. If the European Court is able to reach judgments that cannot be overturned, however controversial, unless there is unanimity in the Council of Ministers, it in effect has the last word and is all powerful. That really is power without responsibility.

The other crucial point that has not been mentioned today is that the European Court's position with regard to the charter of fundamental rights is quite different from its position until now. Until now its role has been one of interpreting directives and specific pieces of legislation covering relatively narrow areas. The very point of the fundamental charter is that those rights are expressed in very broad terms, and that is exactly how judge-made law can expand in a dynamic fashion. We have seen in the US how the Supreme Court has used provisions that were put in the constitution more than 200 years ago on cruel and unusual punishment to deal with the issue of capital punishment. The right to bear arms is also used to justify the right of Americans

[Sir Malcolm Rifkind]

to carry guns in the most extraordinary circumstances. Those dramatic developments of law have an impact on ordinary people, and Parliaments and other accountable bodies have not been involved. Just as the US Supreme Court has that power, so the European Court would have a comparable power with the charter of fundamental rights.

The situation is worse than with qualified majority voting because even when we or another Government are outvoted in the Council of Ministers, and have to accept a judgment that we do not like, QMV is normally—although not always—applied at the end of a long negotiation in which compromises are invariably made to assist the minority Government or Governments to live with the outcome. I have taken part in such Council of Ministers discussions as part of both the minority and the majority sides. Strenuous efforts are made to help the Governments who are being outvoted to live with it and sell it to their electorates. It does not always work, but the effort is made. When laws are made by the European Court, there are no negotiations, compromises or attempt to recognise the political realities. The rules are simply pronounced in the judgment and Governments have to like it or lump it.

Mr. Cash: I accept my right hon. and learned Friend's argument about the à la carte Europe, although I suspect that his argument is like the curate's egg. Does he accept that although he is right in his criticisms of the way in which the European Court could function—as the European Scrutiny Committee has made clear—the heart of his argument is wrong, because the only way in which we would be able to ensure that the decisions were taken in the interests of the people whom we represent would be to override the Court, in certain circumstances, by the "notwithstanding" formula in the amendment that I have tabled?

Sir Malcolm Rifkind: I have never had any problem with endorsing the curate's egg. It seems to me that the curate was being sensible, if his egg was only good in parts. That is occasionally true of my hon. Friend's speeches, and he might like to bear that in mind. *[Laughter.]*

Mr. Cash: At least my speeches are not rotten eggs.

Sir Malcolm Rifkind: I can understand my hon. Friend's view on that matter.

It does not matter whether we are Eurosceptics or believers in the European Union, we all believe in the democratic principle. If the European Union is to survive and prosper, it is crucial that power should only be given to institutions that are not directly or even indirectly accountable to the electorate in the rarest possible circumstances and with any constraints that are reasonable and proper in the circumstances.

I am delighted that unlike the constitution, and contrary to the Government's original strategy, there is a protocol that states that there will not be justiciability of the role of the European Court. The question is whether that is watertight. If the Government had been more competent during the original negotiation, they would have been able to remove the residual doubt by simply saying that the protocol will apply regardless of other treaties and regardless of European law. As my hon. Friend the Member for Aylesbury (Mr. Lidington) said, such constraints apply elsewhere and could have applied here, if the Government had not missed the trick. It would be difficult now that the treaty has been agreed for them to go back and renegotiate it. That means that we will have to be careful in analysing the Government's arguments to see whether, notwithstanding that omission, the protocol is something of value. If it is, it will not only help the Government and the United Kingdom, but it will be a big step forward in how to relate to the European Union for countries that want to be part of it, as long as it can show the flexibility and diversity necessary for an organisation of 27 and perhaps, one day, more than 30 countries.

6.4 pm

Mr. Michael Meacher (Oldham, West and Royton) (Lab): The right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind) made, as always, an eloquent and passionate speech in support of his fundamental view of the protocol insulating the UK from the justiciable effects of the charter. I start from a very different position on the application of the charter of fundamental rights, so I shall not attempt to counter his arguments.

I regard this debate as one of the most important on the treaty, because the charter of fundamental rights, the decisions of the European Court of Justice and the tenor and direction of several EU directives are central to the issue of a social versus neo-liberal Europe, which lies at the heart of the European project.

The charter raises two immediate questions. Although I listened to both Front-Bench speeches, I am still very puzzled about why the Government are so adamantly opposed to the application of those rights in this country, especially as every one of the other 26 member states has accepted them without demur, including both right-wing and left-wing Governments. A pragmatic answer—although I am struggling to find an explanation—might be that the charter would ban excessive working hours. The British worker works more hours a week than anyone else in Europe and the CBI would like to keep it that way. It would also permit secondary action in industrial disputes, but at present British workers cannot take such action, although employers can. No doubt the CBI would like to keep it like that as well. The right to take secondary action has never been an issue in any other country in Europe, although it has had enormous implications in this country.

Mr. MacShane: Does my right hon. Friend accept that the German constitution forbids some 1.5 million to 2 million civil servants and public sector employees from even going on strike? It is the Germans who insisted on many of the safeguards—the so-called lateral or horizontal safeguards—being put into the charter before the protocol question arose, to preserve their ban on strikes, which is far more draconian than anything in the UK.

Mr. Meacher: I agree with my right hon. Friend. I am simply searching for an explanation and it may be that I have hit on the wrong one. I hope that I have,

because none of the explanations that I can think of appears to carry much weight. If it is a matter of keeping the CBI sweet, I suggest that that is not the job of a Labour Government. Nor is it the responsibility of a Labour Government to implement what Tony Blair, the former Prime Minister, once commended to a business gathering as

"the most restrictive trade union legislation in the Western world".

We inherited that from the Conservatives.

It is shameful that we are not proud to welcome the charter of fundamental rights into our own legislation, which every other nation in Europe has taken in its stride as the foundation of a civilised society. I cannot see what the problem is. We have continual discussions about whether it will make a difference, and I am not sure that it would, but I cannot see why we object to implementing it.

It is far from clear whether the charter will affect UK law. The Government allowed the charter to be made legally binding, but then put forward a protocol that, they argue, will prevent the charter from affecting UK law or at least will limit its impact. However, others have queried the status of the protocol. The Swedish Prime Minister said on 26 June last year that the UK had accepted that the charter was legally binding, which is certainly true, and then added:

"It should be stressed that the UK was given a clarification, not an opt-out".

Significantly, when Tony Blair was presenting the protocol to the UK Parliament on the day before, he misread the text—*[Interruption.]* Well, I assume he misread it. He said that

"'nothing in the charter creates justiciable rights applicable to the United Kingdom'". [*Official Report*, 25 June 2007; Vol. 462, c. 21.]

However, the text of the protocol actually says:

"Nothing in Title IV of the Charter creates justiciable rights applicable to the United Kingdom".

The clear implication is that although one section of the charter cannot be used to create new rights, other sections almost certainly will be. In that respect, I am sympathetic to some of the arguments coming from the Opposition. But even in respect of title IV on social rights, the text of the protocol states explicitly that the charter does not create justiciable rights applicable to the UK—and several people have quoted this—

"except in so far as the UK has provided for such rights in its national law".

It will presumably be left for the European Court of Justice to decide for itself whether the UK has attempted to provide for such rights in its national law and to decide whether the attempt to provide such rights is adequate in the light of the charter. Indeed, it is very difficult to see how this discrete carve-out, so methodically prepared, can work in practice. Firms operating in one member state will be affected, but if they operate in more than one member state, the charter will clearly apply. Migrants coming from another member state to the UK would presumably still be covered. Anyone who travelled to another member state from this country—for health services, for example—would presumably be able to use the charter. Moreover, there are 30 years of EU jurisprudence to say that there can be no two-tier system of European rights.

Jon Cruddas: On the issue of title IV rights versus title II rights, is it not the case, given the protocol, that the European Court could interpret the economic rights under the latter as having precedence in this country over employment rights in the former?

Mr. Meacher: That is indeed quite possible. My hon. Friend makes a very important point.

Jon Trickett: May I draw my right hon. Friend's attention to Tony Blair's speech to the CBI in November 2003, in which he explicitly said:

"On issues like...agency workers, Europe must think first and foremost about jobs and competition"—

namely, free markets? Is it not clear that the former Prime Minister gave primacy to competition over social protections?

Mr. Meacher: I very much agree with what my hon. Friend says, and I am sure that he will pursue it at greater length later in the debate.

What I find most sad and perverse about this whole sorry saga is that, over time, this claimed uniqueness for the UK will almost certainly increasingly unravel. It will be eroded by ECJ judgments, which are quite likely to happen, and also by the interactive knock-on effects between title IV and the other parts of the protocol. It seems to me tragic that the Government are investing such enormous legal and logistical resources in resisting something on which they are all too likely to lose in the end, yet which every other country in Europe has decided is practical and desirable. I simply do not understand why the Government have got themselves into that position unless it is fear of the Eurosceptic press. That is the only other consideration that I can think of, but I hope that that is not the case.

For any Labour Government, enforcing a justiciable charter of fundamental rights should be integral to securing a social Europe to counter the neo-liberal orientations of the EU treaties. That is starkly illustrated by the Viking and Vaxholm cases, which were mentioned earlier. Two months ago, the Swedish and Finnish unions sought to prevent companies from massively undercutting pay rates by paying foreign workers up to 60 per cent. lower wage rates. However, the ruling was—this makes it so interesting and important—that although there was a fundamental right to take collective industrial action, such action represents a restriction on the employer's right of freedom of establishment. Of course, industrial action by its very nature will be an obstacle on the activities and freedom of the company. In other words, an employer's right to freedom of establishment trumps the union's right to strike. That is worryingly reminiscent, if I may say so, of the infamous judgment in the Taff Vale case of 1901. The Taff Vale railway took the Amalgamated Society of Railway Servants to court for having the audacity to go on strike. The crime was known then as being "in restraint of trade". Perhaps all that has changed is the terminology, because we are now talking about exactly the same point but it is now called freedom of establishment.

[Mr. Meacher]

Nor is that an isolated example of the neo-liberal propensities within the EU treaties. The Lisbon treaty adopted the curious word—I had never heard it before—"flexicurity" to give the wholly false impression that if workers embrace flexibility, job security will automatically follow. Some of us might regard that as a contradiction in terms.

Mr. MacShane: "Flexicurity" was developed by the Danish social democratic Landsorganisation. It is a term used in the Nordic countries to describe the combination of job security protection and flexible labour markets, which has allowed Sweden and Denmark to grow. It is a wholly social democratic and progressive concept—not a neo-liberal idea at all.

Mr. Meacher: It is always helpful to have an exegetist of such immense academic knowledge as my right hon. Friend and I bow to his superior knowledge. However, whether he likes it or not, I still think that the term has neo-liberal implications—irrespective of whether it started out like that. The treaty also demands the abolition of what are called

"overtly protective terms and conditions"

a highly subjective notion, of course—in contracts that supposedly

"deter employers from hiring during economic upturns".

Despite all the spin about flexicurity—I entirely absolve my right hon. Friend of any accusation of using spin—the detailed language in some parts of the treaty suggests, unless it is balanced by a robust and effective charter of rights, a slippery slope on which it would be easy to slide back to the sort of casualisation and insecurity that we saw in previous decades in this country. That is my central point and bottom line in the debate.

That is all too clearly revealed, to provide one further example, in an EU green paper promoting flexicurity, which says that contractor obligations to monitor employment law among sub-contractors

"may serve to restrain sub-contracting by foreign firms and present an obstacle to the free provision of services in the internal market".

That just about says it all. The direction of travel is unmistakable.

For a final example, under article III-147 of the old constitution, which remains under the reform treaty, the EU would be given power to enforce privatisation in any area of economic activity:

"A European framework law shall establish the measures in order to achieve the liberalisation of a specific service".

We have already seen that in action with the EU services directive, which was seeking to extend the private sector into all areas of public service, but at least health care was left out on that occasion. However, a draft EU health services directive was adopted at the end of last year by the European Commission and was designed to create a market in health care.

I conclude that this abundant evidence of the neo-liberal underpinning of the EU treaties is the overwhelming reason why we need a balance to secure a social Europe, not just a market Europe, and why a charter for fundamental human rights is crucial to achieve that balance.

6.19 pm

Mr. Peter Lilley (Hitchin and Harpenden) (Con): It is a pleasure to follow the right hon. Member for Oldham, West and Royton (Mr. Meacher). He made an important speech that exemplified the extent to which rights, or at least some rights, are essentially political and economic in their origin and their importance. It should therefore perhaps be political and economic matters that lead to their definition and implementation.

All parties and all Members in this House are in favour of basic human rights—what we normally mean by human rights, which do not extend into the sphere of certain economic rights. All parties have always supported human rights, yet successive Governments have opposed the implementation into treaty law of a charter of human rights. Why is that? Why have successive UK Governments, including this one, opposed the implementation at a European level of a justiciable charter of human rights?

The matter would be clearer if the Government would do as I asked in my point of order at the start of the debate. For the convenience of the debate, they should table information about the positions that they took during the negotiations on the European constitutional treaty and the European Convention. Only then will we be able to see clearly what is from time to time referred to by those who are more knowledgeable than the rest of us—notably my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory), who participated in that Convention. I hope that either now or when she sums up, the Under-Secretary of State for Justice, the hon. Member for Lewisham, East (Bridget Prentice), will promise that in future, each day, alongside all the other documents that are supplied to inform our debates, we will have on the Table the resolutions that the Government moved and the terms in which they moved them during the Convention, so that we will know what the Government's position is or was.

Mr. MacShane: Is the right hon. Gentleman aware that during the negotiations on the constitutional treaty—the one that the French and Dutch killed off—the Government set up a Special Standing Committee of both Houses of Parliament and invited every right hon. and hon. Member and peer to attend to hear from negotiating Ministers what was being said? Not a single Member from the right hon. Gentleman's Front Bench turned up to one of those meetings.

Mr. Lilley: I am not certain that that is true. I turned up to those meetings frequently. They were meant primarily not to allow Ministers to report back but to allow the Members of this House who were sent to the Convention to report back, as they did. Both my right hon. Friend the Member for Wells and the hon. Member for Birmingham, Edgbaston (Ms Stuart) reached the conclusion that the constitution was not in the interests of the House, and that constitution was fundamentally the same as the treaty that is before us now. The right hon. Gentleman has scored an own goal by referring back to that Committee.

Mr. Cash: I am sure—I cannot believe that the right hon. Member for Rotherham (Mr. MacShane) does not recall this—that I attended every single one of those proceedings as shadow Attorney-General.

Mr. Lilley: Game, set and match, I think, to my hon. Friend.

Mr. Clappison: Must not that meeting have taken place before the meeting of the European Scrutiny Committee of 7 June last year, when the then Foreign Secretary told the Committee that nothing was happening and that there was nothing to discuss?

Mr. Lilley: My hon. Friend makes an extremely pertinent point with great crispness, as he has throughout these debates.

The reason, I suggest, that successive Governments of both parties have opposed the implementation in European treaties of a charter of fundamental rights and sought, even this time, to block its effect with a protocol is because we in this country have a pragmatic approach to human rights. We recognise that rights are not absolute. Each human right has to be balanced against another. Free speech has to be balanced against the right to protect one's reputation through the libel laws and so on. Somebody must decide the balance between those rights and, in the past, after the initial interpretations of the courts, this House has decided. Often, deciding the balance has been an intrinsically political decision. I think that that is the point that my right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind) was making.

The rights as laid down in the charters and conventions are necessarily vague, imprecise and general, so somebody—or some body—must explicate them in accordance with the detailed circumstances in which we find ourselves; they must relate those generalities to the complexities of the life that we live. Some body must do that. In the past, this body, the Houses of Parliament, has ultimately spelled out what rights mean in detail rather than leaving such decisions to general statements from a different body of people: judges, who are unaccountable to the electorate.

Once we allow lawyers and courts to have the last say, rights will mean what the court says that they do. They will not mean what we thought when we signed up to those rights, or what the people who originally drafted them meant. They will mean what the court says. If that court is the European Court of Justice, there will ultimately be no recourse except in the extreme circumstances when all 27 members can agree to override the Court and change the rights or the constitutional treaties that govern us. That is unlikely and we cannot rely on it.

I recall an example of how important the discretion of the Court was. Normally, people would expect me to be hostile to the Court. However, on one occasion it was set to adjudicate on a claim brought against the British Government on pension law. It was an extremely important case and £5 billion of tax revenue hung on it. If the decision had gone against the British Government, we would have had to recall Parliament during the recess and bring in new taxes to replace the £5 billion of lost revenue. I had to report to Parliament during my preparations for the event and the Law Officers had to report on the likely judgment that we could expect. They reported that in their view, according to all the legal advice and in the opinion of both the prosecution and the defence, the British Government would lose the case.

I ventured, rather timidly as a non-lawyer, to suggest to my Cabinet colleagues that the Law Officers had overlooked one thing: the ECJ, although it is a court of justice, is a political court and will always put the interests of the EU first. It was in the interests of the EU not to upset the apple-cart. At that point, we had not ratified the Maastricht treaty. It would have been hugely difficult to ratify the Maastricht treaty if Europe suddenly deprived us of £5 billion in tax, and forced the Government to recall Parliament in the summer to pass £5 billion-worth of new taxes. I confidently asserted that all the lawyers were wrong and that the ECJ would take the politic decision and uphold our position. It did. After that, different Departments from Whitehall used to come and consult me about legal matters because they seemed to think that I had an inner judgment about what would happen.

We need to remember that the ECJ will have the last say on what rights are. It will make those decisions politically, but without any recourse to the electorate—unlike us.

Mr. Heathcoat-Amory: My right hon. Friend is making an extremely effective point. I remind him that the situation will get worse under the treaty. Under article 9, paragraph 2, the ECJ will have to practise mutual sincere co-operation with the other EU institutions, which exclude member states. Any bias that he detects will be redoubled if the treaty is ever ratified.

Mr. Lilley: My right hon. Friend makes an extremely good point that explains why we should look very carefully at what is happening and why, in the laughably short one and a half hours that we have to consider the amendments this evening, we should take every opportunity to amend the Bill. In that way we can try, to the extent that it is in our power, to prevent the greater dangers that lie ahead.

The other aspect of leaving the balancing and explication of different rights to the Court rather than to the parliamentary process is that we cannot amend decisions when circumstances change or if we find that they are not what we wanted or what our constituents feel to be fundamentally fair, reasonable and right. The fact that we cannot amend them means, in turn, that we cannot take risks with them.

Those hon. Members who have expressed concern about economic rights should know that I would feel far more confident about granting economic rights to workers, say, if I knew that they could be withdrawn if they did not work out to their advantage. For example, I might fear that a change might turn out to price people out of a job rather than increase their well-being. If I knew that it could be revised, I should be much more willing to be generous about trying it out in the first place. Therefore, we have a choice: we can either throw caution to the winds, leave all decisions to the ECJ and hope that everything turns out all right, or we have to be terribly cautious about granting specific economic and other rights, for fear that we cannot change them if they work out badly. Whatever one's position in these matters—whether one sides with the Labour Members who have spoken in the debate or with the neo-liberals to whom they have referred and of whom I assume that I am one—I urge the House to say, "Yes, we believe in rights, but ultimately they should be

[Mr. Lilley]

defended, protected, developed and evolved by the parliamentary process and not by a foreign jurisdiction over which we have no control and to which there is no recourse."

6.32 pm

Jon Trickett (Hemsworth) (Lab): It is a pleasure to follow the right hon. Member for Hitchin and Harpenden (Mr. Lilley), who made some telling points. I entirely accept that this House should have primacy wherever possible, but the backdrop to the debate is that our economy has escaped our national boundaries. Parliament no longer controls it, and there is no longer coterminosity between how an economy works and the nation state. That is why, as I mentioned in my contribution last week, I believe that there has to be some sort of supranational collaboration on economic matters.

However, I fear that an open and free internal market in goods, labour and capital will have consequences for social cohesion, and I want to set out the problems that can arise. The requirements of the internal market in the EU mean that labour should be able to move around the continent freely, in the same way as both capital and goods and services. That is fine, provided that there are appropriate and adequate social protections to prevent the breakdown of community cohesion, which I fear is the corollary of having a free market in labour.

Yet it seems that the Government are allowing that breakdown to happen, which is why I want to return to the problematic and anomalous title IV in the charter of fundamental rights. The protocol makes the extraordinary statement that title IV, alone of all the other titles, will give rise to no additional justiciable rights in the UK. Why is that qualification attached only to title IV and not to any of the others? For an answer to that, we need to reflect a little on the history of that red line.

I did some research on the internet earlier today, and found the item that appeared on the BBC site at 10 minutes to 1 in the morning on the Saturday of last June's Brussels summit. The item states:

"Britain's 'red lines' are guarantees that the Charter of Fundamental Rights, which could give workers extra rights to strike, will not apply to the UK."

It was clear that Tony Blair regarded what can only be called an opt-out as a major achievement in the negotiations. In his speech to the CBI to which I referred a few moments ago he said:

"We will not allow the Charter of Fundamental Rights to open up interference with Britain's labour laws and will not agree the new Constitution until we are sure that they are safeguarded."

The CBI said of the fundamental human rights contained in the charter:

"The most notable of these from an industry perspective are the rights"

that the charter

"would confer on issues such as collective bargaining and the right to strike—both of which are already covered by the UK's extensive employment legislation. These, if conferred, could have an adverse impact and threaten the flexibility of the UK's labour market which is crucial to our continued economic success."

Ms Katy Clark (North Ayrshire and Arran) (Lab): Does my hon. Friend agree that the former Prime Minister probably had little to fear from the interpretation provided by the ECJ, given that institution's previous judgments? It has made it clear that it will not allow any European provision to override British industrial relations law, but that it will interpret laws and rights that come from Europe in accordance with our domestic approach.

Jon Trickett: I should like to explore that point in a moment, as ECJ rulings tend to be complex and we need to understand them better.

The CBI said that title IV would threaten Britain's flexible labour market, but there is an interaction between the legal processes involved and the socio-economic processes that run alongside them. I shall give three examples of the problems that can arise. Although they come from my constituency, I am sure that other hon. Members will recognise them from their own.

The first involves a company that employed what might be called indigenous workers—people who had lived in the area all their lives. They were due to acquire additional labour rights after a year's employment, but as the deadline of 11 months, three weeks and six days approached, they were sacked. Within eight days, they were replaced: exactly the same number of employees were put into the same jobs, having been imported from Poland on agency labour contracts.

The second example involves a company that had an agency labour stand inside its factory. Two years ago, Parliament raised the minimum wage by 30p an hour, and the company immediately told its agency work force that it would accept that increase but that it would reduce the bonuses to which workers were entitled—and which were paid at a rate of £1 an hour—by precisely the same amount.

The third example from my constituency involves one of the largest firms in the UK. It is a big employer in my area, and it takes on huge numbers of migrant labourers. I assure the House that I attach no responsibility to those workers, as they are unfortunate people who are being dragged across the continent by profiteers. However, the company decided to do away with overtime payments. On new year's day 2008, it changed its shift patterns to avoid paying the workers double pay.

Those are the kind of actions taken in the much-vaunted flexible labour market that the CBI and our right hon. Friend Tony Blair had in mind when he decided to tackle title IV, which gives workers the right to collective bargaining and to take action in cases of conflict with management. We have heard on a number of occasions that title IV will give rise to no further justiciable rights in the United Kingdom, so we are entitled to ask the Government why on earth we are not having a proper debate in Government time about those labour market issues, which are of great concern in the labour movement. Why are we dealing with them in this debate? Why do promises made to me privately appear to have been dishonoured? It is not acceptable that we have to address such matters in this way.

Will the Government explain why they have put a double lock-out on title IV—"Solidarity"—which deals with those matters? Why are they allowing other rights

and freedoms under the fundamental charter and not subjecting them to the same lock-out? It seems to me that the treaty deals with rights attached to collective bargaining and collective action that the Government have decided to put at arm's length and shove away from us, but other rights, such as the right of companies to establish themselves anywhere in the UK and to provide services anywhere in Europe, are not subject to the same lock-out. The position is anomalous and creates asymmetry: on the one hand, capital has rights to provide goods and services and to move across the continent, yet on the other hand there is a lock-down on the rights of workers to organise collectively should they be faced with oppressive management.

That leads to the point about the ECJ that my hon. Friend the Member for North Ayrshire and Arran (Ms Clark) raised a few moments ago. The Court is apparently inhabited by a neo-liberal culture that attempts to give primacy to the needs of the free market and the internal market, with the open movement of labour, goods, services and capital, at the expense of collective bargaining rights. We have already heard reference to the Viking and Laval cases. I shall not go into them again, save to note that a contract made between an employer and an employee in Latvia now appears to have legal validity in the UK—this also applies elsewhere—should the company decide to bring Latvian workers to the UK. In considering the two cases in general terms, it appears to me that there is a series of rights, responsibilities and freedoms under the charter and that the Court—a non-political body—will be left to arbitrate between them. The Court will make political judgments in each case about which rights or freedoms should have priority. In the Viking and Laval cases, it is clear that the decisions taken by the Court gave primacy to the right of a company to establish itself and to provide services anywhere in the EU at the expense of the right to collective bargaining and collective action.

Arguably, other case law in the ECJ and in the UK may contest the decisions in those two cases, but the opt-out on title IV, and the particular phrase in question, seems to give a clear nudge and wink to the ECJ that it is right to interpret the hierarchy of rights and responsibilities as it has so far, and that in the minds of at least the British and Polish Governments, it is right to give primacy to the rights of companies to trade, sometimes oppressively in relation to their work force, rather than to the right of workers to take collective action. I think the ECJ will regard that wording as more than a nod and a wink to say that it should continue making decisions such as those in the Viking and Laval cases and in others.

In the absence of the proper debate I feel I was promised, I must press the Minister to address those specific points to give us some reassurance. A large number of Labour Members are concerned and every trade union in the country has endorsed the questions we are trying to ask. Without a satisfactory explanation, I fear that there is only one conclusion: the British Government, for whatever reason, have decided that the asymmetrical relationship between labour and capital that I described should continue, and that that asymmetry should work at the expense of labour and in favour of the interests of capital.

Mrs. Theresa May (Maidenhead) (Con): On a point of order, Madam Deputy Speaker. I seek your guidance about ensuring that information given to the House by Ministers is accurate.

Yesterday, at column 660 of *Hansard*, the Secretary of State for Justice said in his statement on the reported bugging of the meeting between the hon. Member for Tooting (Mr. Khan) and Babar Ahmad that he was made aware of the burden of the allegations on Saturday. In the last hour we have learned that the Justice Secretary had a meeting in his Department to discuss press inquiries about the meeting between the hon. Member for Tooting and Babar Ahmad last December. Given that we know that officials in the Department knew about the bugging allegations last December, are we really to believe that they did not mention them to the Justice Secretary, and how can we ensure that he comes to the House to set the matter straight?

Madam Deputy Speaker (Sylvia Heal): I understand the right hon. Lady's point of order, but she will appreciate that it is not a point of order for the Chair. However, her concerns will have been heard by Members on the Treasury Bench and her comments will be on the record.

I am mindful of the pressure on time for Members who want to contribute to the debate. I call Mr. Heathcoat-Amory.

6.46 pm

Mr. David Heathcoat-Amory (Wells) (Con): My right hon. Friend the Member for Maidenhead (Mrs. May), the shadow Leader of the House, has just given us a good illustration of how it is to the House that we look to defend our rights, not to any court—still less a foreign court.

The hon. Member for Hemsworth (Jon Trickett) asked many extremely good questions about the extent to which social and employment rights will be enhanced, undermined or degraded by the operation of the charter and its associated protocol. No one in the House can give him an answer; we just do not know. All we know is that those rights will progressively cease to be a matter of contest between elected politicians but will be handed over to another jurisdiction and another court, which we do not control. That is why the debate is important.

The charter will cease to be a declaration and will become a fully binding document and because it will be part of the treaty, in full, it will be superior to national law. That is asserted in the treaty. We are thus making an extraordinarily important transfer of powers and authority in the treaty.

Mr. Richard Bacon (South Norfolk) (Con): My right hon. Friend made an important point when he said "fully binding". Can he confirm that that means that all the charter is justiciable in the European Court of Justice and that there can be no exceptions?

Mr. Heathcoat-Amory: Yes, I can confirm that. If my hon. Friend glances at article 6 of the treaty he will see that the charter is incorporated in full as a fully binding legal document. It attains exactly the same status as the treaty and all EU law. That is a very important point.

[Mr. Heathcoat-Amory]

This is an unhappy outcome for the Government; all the way through the Convention on the Future of Europe they tried to prevent it. They tabled amendments, which were not successful, and there was a sorry series of retreats from assertions made, and indeed from promises given to the House, about the status of the charter—that it would never be legally binding—to giving in and now trying to make the best of a bad job. Of course, the Government had a veto over the whole process. They should have made their red lines clear at the start of the negotiations, rather than come up with self-selected red lines at the end to try to show that our rights and powers had been protected.

No one has answered the question, "Why do we need the charter?" The European convention on human rights is much older, dating back to 1950, and it is already embedded in the EU, which is required to give effect to its general principles. That is in article 6 of the treaty on European Union. Of course, all member states are signed up to the ECHR. It has not been explained why we need a separate, overlapping charter, with its own case law to create more confusion. In my view, it is part of the EU's determination always to have a monopoly on legal rights and legal order. It is contemptuous and suspicious of any other organisation, whether legal, social or political, that might be a competitor.

On the remarkable story of whether the charter contains new rights, I intervened on the Secretary of State for Justice to point out that the Government's often repeated claim that there are no new rights is simply and flatly untrue. Just to remind the House, article 13 of the charter says that

"scientific research shall be free of constraint."

The explanatory notes confirm that that right is not recorded in any other document to which we are a party. That is a new right. When I was criticised on that point by the hon. Member for Kingston and Surbiton (Mr. Davey), I pointed out to him that I opposed the right because I believe that Parliament should restrain scientific research from time to time, in the interests of animal welfare and so on. He then said that he, too, was in favour of such matters being decided in Parliament, so he contradicted himself in the space of 15 seconds. Perhaps it is no surprise that he does not understand the issue.

Mr. Davey *rose—*

Mr. Heathcoat-Amory: If the hon. Gentleman will forgive me, I am short of time and cannot take too many interventions. We debated the matter to exhaustion. He could conclude only, rather lamely, that the House should decide such matters, but the whole point about the charter is that we will not decide. We are talking about a bald, unconditional right in the charter, derived from no other document, which takes decision making on those subjects away from the House. It is a matter of democracy, and if the hon. Gentleman refers to *Hansard*, he will see just how foolish his defence was.

There is also the remarkable saga of the opt-out claim to consider. The former Prime Minister, Tony Blair, often said that we had an opt-out, which was completely untrue. That was later corrected, but none of the well-paid officials who helped him issued a correction at the time. The fact is that we do not have an opt-out from the protocol. The European Scrutiny Committee shows, certainly to my satisfaction, that the protocol gives no defence against rights finding their way back into UK law indirectly as a result of our overriding obligation to abide by European Union law. That obligation is asserted elsewhere in the treaty that we are considering, and indeed in existing treaties. The European Scrutiny Committee shows that the protocol on which the Government constantly rely is threadbare. It is certainly fatally weakened.

The rights are incredibly general. Human dignity and physical integrity are again supported, and, in general terms, who could be against those concepts? However, they have great relevance to the debate on abortion. Whatever one's views on abortion, I think that we all agree that decisions on the subject should be made by representative Parliaments. We can contrast that with the situation in the United States, where such issues are a matter for judicial decision. That is one of the reasons why people there shoot doctors and try to blow up abortion clinics. Decisions on whether abortion should be restricted or available on demand are, as a constitutional right, made by the Supreme Court, and cannot be changed by Congress; that would require an amendment to the constitution, which is incredibly difficult and cumbersome to achieve. Removing decision making on that subject from the congressional sphere creates more frustration, and less democracy.

Exactly the same is true of respect for family life and the right to found a family; they sound fine, but they could easily be applied to issues that the House spends a great deal of time debating, such as the rights of asylum seekers and the extent to which they can be reunited with family members in other countries. At present, they generally cannot be so reunited. Would we like it if debates in the House became irrelevant because such issues were decided for us? The same is true of social rights—the so-called chapter IV rights—which are constantly, and rightly, raised by Labour Members. Those issues should be a matter of contest between ourselves. It is quite wrong that a decision about whether they are adjudicated on in the European Court of Justice depends on whether the protocol is strong, weak, or threadbare, or can be relied on.

We know that the European Court of Justice is an activist, interventionist court with its own dynamic. As I pointed out in an intervention, it is not neutral in any dispute between a member state and the European Union institutions. If the treaty is ratified, the ECJ will be required by treaty law to practise mutual sincere co-operation. I would never go to court if I knew that the court had to practise mutual sincere co-operation with my legal opponent, but that is the situation in Europe. If our protocol is under attack from the European Union, the arbitrating court has a duty to co-operate not with the member state but with the Commission, or whatever the European Union constitution involved.

The fact is that human rights are incredibly complex. They often involve conflicts and trade-offs. A balance has to be struck between competing rights, and that should be done here in Parliament. Of course we sign up to overriding international rights to moderate the

behaviour of states internationally; that is what the European convention on human rights did, which we signed in 1950.

The charter, however, does something quite different: it drills down into member states' law-making processes. It will interfere with and replace decisions that we should make here. It is a further massive transfer of power and authority from the House to another jurisdiction, and people know that. They will cease to come and lobby us about their rights—about whether those rights should be extended, or whether the competing rights of, say, employers and employees should be removed or strengthened. They will not bother to do that. They will not vote for us if they know that those essential decisions are not made by us in Parliament. There is evidence that that already happens. There is disillusionment with the political process.

Let us not pretend that the loss of democracy here somehow creates democracy in the European Union, because turnout has declined in every single European Parliament election since 1979. The disillusionment is continent wide. The public are simply losing faith in the ability of elected people to influence decisions and outcomes affecting their lives. Again, in the section of the treaty that we are discussing, we are being invited to transfer more powers from the House. The Government were well aware of that danger, and that is precisely why they fought the proposals all the way through the Convention process. The Convention became the constitution, and when that was turned down, the Government fought the proposals in the new treaty. The safeguards and reassurances given are almost worthless; that is the conclusion of the European Scrutiny Committee's report. That is why I invite the House to support the amendment this evening.

6.59 pm

Jon Cruddas (Dagenham) (Lab): Like the right hon. Member for Wells (Mr. Heathcoat-Amory), I shall focus on the charter of fundamental rights, pose some questions about how effective the protocol will be and highlight key labour market issues that a number of Members on both sides of the House have raised in the debate.

Four key issues appear to be relevant to a discussion of the labour market elements of the charter. First, to what extent will British workers be denied the opportunity to rely on the charter to interpret and expand existing rights derived from Community law? If British workers are unable to rely on the charter, is it conceivable that EU rights will have a diluted status in the UK? Secondly, to what extent are British workers protected when they take industrial action that an employer claims violates his or her right to freedom of establishment? Is it enough that the workers have complied with domestic law, or is their action vulnerable to legal restraint?

Thirdly, to what extent are British workers at a disadvantage compared with workers in other member states by virtue of the fact that they are unable to rely on the charter as a defence in legal proceedings against them by an employer who claims that their action violates EU law? In effect, does the opt-out prioritise business rights over UK workers' rights, as a number of my colleagues mentioned earlier?

Fourthly, we must assume that the charter is designed to add value to existing rights and principles in European law. If it does not, what is the point of it? What do the Government believe has been added and what do they believe will not be applicable in the United Kingdom?

To pursue those topics, I shall go back to the Laval and Viking cases—important European case law that emerged only at the end of last year, after the signing of what was initially the opt-out and subsequently became the protocol. They have profound implications for European labour law and specifically for this country, with its history of legal abstention, in respect of the role of the law in industrial relations.

Viking Line is a Finnish ferry company that decided in 2003 to reflag its vessel and employ an Estonian crew on Estonian pay and conditions, cutting its wage costs by some 60 per cent. The case was referred to the European Court of Justice, which ruled that in future any strike action affecting this freedom would have to meet stringent legal tests that the Court itself would assess. The key issue, which I find unprecedented, is that no longer does the legitimacy of industrial action rest upon the democratic mandate of the Union derived from its members and regulated through laws determined by the Parliaments of member states. Now it will also need to meet the criteria imposed and assessed by European judges. I see no precedent in domestic strike law in the UK.

The Laval case is central. As my hon. Friend the Member for Elmet (Colin Burgon) mentioned, Laval is a Latvian company, which in 2004 posted workers from Latvia to work on building sites in Sweden. The Swedish construction union asked the company to agree to the existing collective agreement within the building sector. The company refused, operating instead under the Latvian agreement, including a lower pay scale that undercut the Swedish workers' wages.

Subsequently the Court ruled, essentially, that the company's freedom to provide services in any member state should not be restricted by compliance with non-statutory collective bargaining agreements in one member state. Again, that has huge implications for an industrial relations system that is built on legal abstention and free collective bargaining, as in the British case.

Critically, the Court argued that because the EU posted workers directive set out minimum rights, it was unreasonable to force the company to comply with further non-statutory agreements at local or national level. So, instead of EU legislation setting minimum standards, which has been the argument over the past 20 years, going back to 1988 and Jacques Delors coming to the TUC, we now face the threat of those standards being seen as maximum criteria across the EU.

All of us on the Labour Benches should be acutely aware of the implications for further labour market deregulation. Those two cases, among others, give rise to widespread concern that in recent case law the EU has been engaged in a race to the bottom in terms of labour market standards. Indeed, it could be argued that the very notion of a social dimension to the European project, a cornerstone of the Labour party's strategy over the past 20 years, is under threat. That deserves profound discussion in this place, not least

[Jon Cruddas]

because of the centrality of that concept in redirecting our party's approach to Europe more generally.

Let me deal specifically with the protocol and workers' rights. The first concern is that the protocol could restrict the protection of workers' rights. However, I understand the Minister's position that this is not an opt-out, and I hope that she will make it clear in her reply that it will not affect the way that the title IV rights are applied to EU law. That has been the approach throughout the Committee stage, but we need to hear a far broader outline of the Government's position as there is confusion about that on all sides.

I note that many of the articles contained in title IV specify that the rights that they set down are defined as they exist in

"Community law and national laws and practices".

The Minister may argue that therefore the protocol is simply a truism. That would raise the question why the protocol was negotiated in the first place. Leaving that aside, I notice that article 31 does not contain such limited language. That article deals with maximum working hours. I hope that the Minister will clarify that the protocol was not negotiated with a view to evading the article 31 rights.

A particularly important question for the labour movement is the purpose of paragraph 2 of article 1 of the protocol, which has been quoted extensively during the debate. It states:

"In particular, and for the avoidance of doubt, nothing in Title IV of the Charter creates justiciable rights applicable to the United Kingdom except in so far as the United Kingdom has provided for such rights in its national law."

In short, title IV is singled out for a unique provision within the protocol. Title IV, as we know, is the section of the charter entitled "Solidarity" and it contains what we would call workers' rights, such as the right to information and consultation at work, the right to collective bargaining and collective action, protection from unjustified dismissal, fair and just working conditions, the prohibition of child labour, and so on. This provision has never been fully explained in the House. In fact, when the former Prime Minister reported back in his statement of 25 June last year he mysteriously omitted the words "Title IV of" when reading out the protocol to hon. Members. Perhaps he simply made an inexplicable error of fact, but we need to explore the Government's reasoning more fully.

As I understand it, the existing charter was referred to by the Advocate-General in recent BECTU litigation extending paid holidays to people with less than 13 weeks' service. It is unclear whether this will be possible in future in the British context, or whether any attempts to use the charter in this way would breach the provisions of the protocol stating that charter rights are not

"justiciable rights applicable to the United Kingdom except in so far as the United Kingdom has provided for such rights in its national law."

It might otherwise be possible to use charter rights to strengthen existing rights in various areas, including information and consultation. The charter provides that workers or their representatives must be

"guaranteed information and consultation in good time".

On protection in the event of unfair dismissal, the charter provides:

"Every worker has the right to protection against unjustified dismissal, in accordance with Community law and national laws".

On fair and just working conditions, the charter provides:

"Every worker has the right to limitation of maximum working hours".

The information and consultation regulations, the redundancy consultation procedures and the TUPE regulations do not guarantee that workers will be consulted in good time, the TUPE regulations do not protect every worker from dismissal, and the working time regulations do not ensure that every worker has the right to limitation of maximum working hours. The last point was raised by the European Scrutiny Committee of the House of Commons, and according to the Committee, the charter could be used to challenge the implementation of the working time directive, as in the BECTU case.

That might also happen in one of the other member states, but because of the opt-out it may not be possible to mount such a challenge from the United Kingdom, where arguably the need is most acute, given the long hours culture. This gives rise to the possibility that established rights under EC law could have diluted content in the United Kingdom—a view reinforced by the Committee's apparent concern that ECJ decisions on social policy in cases involving other countries could creep into UK law.

Perhaps the fundamental question is whether it is acceptable, especially for a Labour Government, to put workers' rights on a different footing from the freedoms of employers, which are contained in title II and are thus not covered by paragraph 2. I would like to think that the Government will not in future seek to celebrate the way in which they have excluded British workers from protections afforded to European workers, and that they will not make a virtue of this to the CBI and the press. We need to be sure that title IV does not have some kind of separate status from the rest of the charter. I am worried that a clever corporate lawyer might try to argue that, as the protocol states only that title IV cannot create new justiciable rights, by implication title II can therefore do so.

This is an important matter for the Minister to clarify. Many of the counter-arguments that I have heard so far seem to amount to saying that the provision makes no difference whatever. Either way, many of us would also like to hear why such an apparently specific proviso was ever negotiated in the first place and, perhaps more importantly, that workers' rights will not be treated in that way in future.

7.10 pm

Mr. James Clappison (Hertsmere) (Con): It is a pleasure to follow the sincere remarks of the hon. Member for Dagenham (Jon Cruddas), just as it is to follow the outstanding speech made by my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory). May I also congratulate the Lord Chancellor on a vintage performance, as he drew on his years of parliamentary skill to move seamlessly from one proposition to a hopelessly irreconcilable and contradictory one? He told us that

the charter was a wonderful document, and that British interests lay in being fully protected from it. He also told us that we needed the charter because the European Union had not acceded to the convention on human rights, and that, when it did, we would need the charter all the more.

My right hon. Friend the Member for Wells posed an extremely apt question when he asked why we needed the charter at all. We have a sneaking suspicion that concern for human rights is only a secondary motive, and that the primary motive is for the European Union to put itself in the position of a state. Like a state, it would then have a constitution accompanied by a list of fundamental rights with itself as the guarantor of those rights for its citizens and, again like a state, it would sign up to the European convention on human rights alongside the 47 states that have already signed up to it.

If that is not the European Union's motive, why is the EU framing such a sweeping statement of rights in the charter? Let us remember that the charter will be directly and legally binding for European institutions and member states when implementing Union law. That being the case, why, under chapter I of the charter, do we need to be protected against slavery, torture and execution? Opposition Members sometimes question the activities of the European institutions, but I have yet to hear anyone suggest that we need to be protected against the risk of the European Union imposing inhuman or degrading treatment on us or putting us into forced labour or servitude. The hon. Member for Kingston and Surbiton (Mr. Davey) told me that the Liberal Democrats were interested in the charter having full effect in this country, unconstrained by the protocol—perhaps they know something about it that we do not.

Could these proposals also be a pointer towards the day when the EU seeks a more active foreign and security policy? Could the statement of rights serve as a rationale for the foreign policy initiatives that the European Union might wish to take? We need only look at the clauses on foreign and security policy to see the extent of the EU's ambitions in this direction. Could we be looking at the foundation for gradual moves in the direction of a European defence policy and of incipient policing, criminal law and anti-terrorism policies directed towards other states and based on these sweeping assertions of human rights?

Mr. Graham Brady (Altrincham and Sale, West) (Con): My hon. Friend is making some valuable points. Does he agree that the creation of the charter and the Fundamental Rights Agency represents a clear attempt by the European Union to remove competition by trying to squeeze the Council of Europe out of business?

Mr. Clappison: It would be a sad day if that were to happen, because the Council of Europe goes much further into Europe and has a much better provenance and a much better history, but who knows just how far the ambitions of the European Union extend in that direction? As far as our Government are concerned, the question is where we stand in relation to all this. As we have heard, the Prime Minister has stated that we were going to have an opt-out or that, if there were no opt-out, the treaty would not extend our laws any further.

There are three points that I would like the Minister to address. First, will the charter be used by the Commission as a basis for proposing legislation in new areas? Will the protocol take effect against new rights in legislative proposals derived from the charter by the Commission? We apprehend that the Commission will take the charter as an inspiration for its policies, because it has said as much in setting out its fundamental principles in the charter. So could the charter indirectly import new rights into United Kingdom law through new legislation derived from it?

Secondly, we are told that the protocol will not allow the charter to extend rights beyond those already recognised in the UK. Let us look at this matter from the opposite point of view from the one rightly adopted by my right hon. Friend the Member for Wells, however, and ask how easy it would be to decide exactly what rights were already recognised here. If a right were already deemed to be in existence here, the European Court of Justice would have full scope to interpret the charter in the United Kingdom. And who would make all the decisions on these matters? It would of course be the European Court of Justice itself.

May I give the Minister an example? Article 49 of the charter sets out a right in respect of the proportionality of criminal offences and penalties. It states:

"The severity of penalties must not be disproportionate to the criminal offence."

Can the Minister tell us whether this is already recognised in United Kingdom law? Do we have the right not to have a disproportionate penalty applied to a criminal offence? If so, will not the European Court of Justice be able to rule on these matters in the United Kingdom in the relevant circumstances when dealing with Union law? Will the Minister tell us whether this right is already recognised in the United Kingdom?

Thirdly, there is an equally important point about the interpretation of decisions taken by the European Court of Justice in member states in which the charter has full effect, and about whether those decisions will have effect in the United Kingdom. We have already heard arguments on this point, but I want to put it to the Minister again because the Government have yet to deny that that will be the case. They certainly did not go that far in their response to the European Scrutiny Committee. Will the Minister tell us whether decisions taken by the European Court in the countries where the charter has full force will be effective in United Kingdom law as part of the acquis of the European Court of Justice—yes or no?

Who has the final right of decision on whether a right already exists in United Kingdom law and how far such a right goes, and on whether decisions relating to other member states will affect this country? The answer is the European Court of Justice, and there is no appeal beyond the Court. Its decision is final on these matters. The House must face up to the fact that we are locking ourselves into a situation in which the final decision will be taken by the European Court of Justice. My right hon. Friends the Members for Wells and for Hitchin and Harpenden (Mr. Lilley) have made extremely valuable points on these matters. Given the breadth of the charter and the rights that it contains, the ambit of the jurisdiction of the European Court of

[Mr. Clappison]

Justice could run very far into matters that we are used to deciding for ourselves in this House.

My right hon. Friend the Member for Wells raised the very apt example of abortion. Article 3 of the charter sets out the right to the integrity of the person. If the European Court of Justice were to interpret such matters that far, they could be decided by that provision. Some constituents came to see me the other day about the Human Fertilisation and Embryology Bill. They asked me how I was going to vote on it, and went through the arguments with me. In future, are we to say to our constituents, "It's all very well you coming to see me, but at the end of the day, these decisions will be taken by the European Court of Justice, not as a result of arguments or votes in the House of Commons but as a result of arguments and decisions put forward by lawyers and judges in the European Court of Justice"? What effect would that have on the standing of this House?

My right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind) said that he was confident about the health of the European Union and the democratic principle. I have no doubts about the resilience of the European Union, but I am afraid that I do have fears for the health of the democratic principle, both in the European Union and in this country. Let no one in this House be under any illusion about the extent of the authority, power and decision making that they are about to cede to European Union institutions—particularly the European Court of Justice—as a result of the decisions that we are taking this day. We are abdicating an important part of our historical role as the guardian of the rights of the people of this country. We are handing those rights over to another institution over which our voters and the people of this country have very limited, if any, accountability.

Let us be in no doubt about the seriousness of the steps that we are taking today. We cannot know with any great certainty where this will end, but given the history of what has happened to safeguards in the European Union, we have every ground for legitimate fear. We can be certain of one thing, beyond peradventure. I agree with what Commission President Barroso said to the German press shortly after the signing of the outline agreement that we are debating today:

"Lawyers have a beautiful future."

7.20 pm

Mr. Denis MacShane (Rotherham) (Lab): This has been a good and clarifying debate—Members here are few in number, but there have been high-quality contributions from all sides.

Anybody from another country or platform reading this debate tomorrow will understand clearly that, for the Conservative party, only one absolute cast-iron guarantee would ensure that in no wit would the traditional British sovereignty of this House of Commons be placed under threat by anybody outside our island borders: withdrawal from the European Union. I particularly hope that the Conservative winding-up speech will answer the question that I asked about whether the party wants to withdraw from the social chapter. At his annual conference, the leader of the Conservative party made such a statement; the workers and employees of Britain need to know whether that is the policy or not.

Would that much more distinguished forefathers of ours, who sat here, were alive at this hour. I thought that the whole history of the House of Commons was about the extension of rights not only to all citizens of this country, but to people around the world. Wilberforce, Shaftesbury, Emmeline Pankhurst, the people who set up the International Labour Organisation, Harold Macmillan and Duncan Sandys—

Mr. Cash: I am extremely glad that the right hon. Gentleman is going on a historical journey, because I should like to make this point. What was the most important question raised in the 19th century? It was about the right to vote and democracy, for which people such as John Bright, a member of my family, fought. It is precisely because the arrangements that we are discussing go in exactly the opposite direction, and give power to the European Court of Justice, that I completely reject them.

Mr. MacShane: If the hon. Gentleman cares to examine what John Bright and his great friend Cobden did, he will find that they were huge supporters of free trade and rightly argued for international institutions that would open countries up to it. However, we cannot have good words and nice policies unless we have a mechanism of enforcement, and since day one of the European Economic Community, the European Court of Justice has been that enforcement mechanism. I fully accept the points made by my hon. Friends about the Laval and Viking cases, but on balance the Court has been good for workers and for Europe. If we adopted the Opposition amendment, we would throw out the proverbial European Court of Justice baby with the bathwater of the whole European Union.

We have heard some remarkable language in this debate. The right hon. Member for Hitchin and Harpenden (Mr. Lilley) talked about a foreign jurisdiction; actually, a British judge serves on the Court. Furthermore, the World Trade Organisation is a foreign jurisdiction—any treaty organisation into which we freely enter and whose adjudicating panel's or Court's binding rulings we accept is a foreign jurisdiction. For heaven's sake, I thought that Britain wanted to extend the concept of the rule of law globally and internationally into as many different areas as possible.

Mr. Brady *rose*—

Mr. MacShane: Of course I give way to a distinguished former colleague in European affairs.

Mr. Brady: In saying that we should be bound by the rulings of the European Court of Justice, is not the right hon. Gentleman making it clear that the protocol is worthless?

Mr. MacShane: I shall come to the protocol.

The Conservative party refuses to come to terms with a fundamental issue: the rights in the fundamental charter of rights are those for which Britain has fought and struggled to lay down in different binding conventions.

Many are in Council of Europe conventions, into which we freely enter. It is preposterous to say that we accept legal rulings from the Council of Europe and the European Court of Human Rights, but that we do not want them to be applied in the European Union through the European Court of Justice.

Mr. Grieve: As the right hon. Gentleman knows, there has been a lot of debate about whether we should have a home-grown Bill of Rights; indeed, his Government are interested in the idea. I have heard Ministers say repeatedly how undesirable it would be to have a rewording of the European convention on human rights in our own Bill of Rights, because that might lead to future conflict. However, is not exactly that proposed by the adoption of the charter of fundamental rights? It does very much the same thing.

Mr. MacShane: The hon. Gentleman has a fair theoretical point. In all these debates, I feel at times like William Blake when he wrote:

"Both read the Bible day and night

But thou read'st black where I read white."

We all take our different interpretations from the common text in front of us. For example, we had some discussion about the relationship between the ECJ and the Strasbourg Court—I shall call it that for the sake of shorthand—on the question of Gibraltar. This sovereign House of Commons denied the people of Gibraltar their right to vote in European Parliament elections. When they fought and struggled for it, it was the Spanish Government who took the issue up with the European Court of Justice. However, the Gibraltarians had already gone to the European Court of Human Rights and the ECJ accepted the superiority of the ECHR on that matter. We then legislated to allow Gibraltarians to vote in the Spanish regional constituency of the European Parliament. There will be that tension; of course there will.

The right hon. Member for Hitchin and Harpenden gave a marvellous example of the Court backing away from an alarming ruling that would have damaged Europe's standing in Britain before the Bill on the Maastricht treaty—I would have thought that how that Bill was handled did quite enough damage to Europe's standing in Britain, but no matter. Such dynamisms exist. To take an example, each country has highly specific national sets of labour rights. In Germany, 1.5 million Beämtern—full-time public employees—have no right to strike under the German constitution. That cannot be changed by reference to the right to strike in the European charter of fundamental rights because the horizontal national protection language written into it was put in at the behest of Germany.

France has a completely different approach on issues such as minimum service in the event of strikes. In France, only five trade unions are recognised to sign contracts. Even if a 500,000-strong union went on strike every day, it would have no legal existence under French law. That will not be altered. To that extent, I agree with the points made about the protocol. It is a strengthening of the horizontal provisions in the charter of fundamental rights, but it is not an opt-out. The decision was made to go down that road for political reasons.

I am happy to say in the House of Commons—I have said it to colleagues—that the political price paid was very high, given how alarming and upsetting it was to trade union friends. I have exchanged correspondence with Mr. Lambert, the director general of the CBI, on the issue and I think that having extracted that, the CBI had a duty to reciprocate and campaign for the ratification of the treaty in Parliament. It has not done that; it was given the works, but has not put much back on the table. That is just a private point—the CBI behaves as it behaves.

Several Labour Members have spoken about their fears and concerns. My right hon. Friend the Member for Oldham, West and Royton (Mr. Meacher) is not here, but he described the European Union as a neo-liberal project. I do a little speaking here and there at international economic conferences in Europe and elsewhere. At meetings in America, and at some of the more business-focused meetings in Europe, the European Union is regarded as a bunch of communist, lefty social-welfarists. It is thought that we in the EU, far from being neo-liberals, are far too soft on social matters. Perhaps my right hon. Friend should read article 2 of the new treaty, which says:

"The Union shall establish an internal market...aiming at full employment and social progress...It shall combat social exclusion and discrimination...shall promote social justice and protection."

Article 8B states:

"The institutions shall...give...Representative associations"—

that is, trade unions—

"the opportunity to make known and publicly exchange their views in all areas of Union action."

No other arrangement in the world writes into the language at the very top of its articles of association—in this case, the treaty—the commitment to promoting social justice and protection.

As an ex-trade union official, I fully agree that much of what I see is not entirely to my liking. The European Court of Justice has, on the whole, been positive for workers and employees. Only last week, it gave a ruling—not a full decision—on the rights of employees in Britain to be able to look after handicapped children. Some vicious, ugly firm refused a mother the right to go and look after a handicapped child, and the case went up to the European Court of Justice, which has said that employers should behave properly. We can look at provisions under the Transfer of Undertakings (Protection of Employment) Regulations 1981 and some of the rulings on working hours. We can look at—this is a matter of deep concern to me and my constituents—the rulings on the pensions stolen from steel and engineering workers, where, again, a ruling from the ECJ has forced our Government, rather late in the day, to step up to the mark and provide justice for those workers.

The Swedish case could be solved if Sweden had a statutory minimum wage. The German Social Democratic party is now dropping its opposition and going in that direction. This is not a nirvana of high wages, but it writes into a national legal obligation what the ECJ then cannot rule against. We should be careful about objections to the country of origin principle. When I was Minister for Europe, one of my most pressing problems was trying to get European law applied to British citizens working in different countries who found all sorts of little social protectionist rackets that stopped

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them having full title, full salary, full pensions and the rest of it. I want to see an open European market, a socially just market in which British citizens have full rights. We must be careful that what is sauce for the British gander in terms of social protection is not used against it.

I must finish by dealing with the absurd complaint that judges are not accountable to electorates. They are not so in this country; they are not so anywhere. The very concept of justice is based on separation of powers. The Conservatives want a European Union from which it can pick and choose the bits that it wants to support. The gist of the speech by the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind) was, "Let others go further forward, but we can stop where we are." I do not particularly dissent from that, but believe me, if we want to pick and choose what we like, then other countries can say, "We don't like Ryanair and easyJet landing", or "We don't want the environmental rules that Britain is fighting for to be applied to our nation." If we want Britain to have an effect and a voice in the European Union, we have to accept that in relation to other countries.

Mr. Clappison *rose—*

Mr. MacShane: I have taken two interventions and that is my maximum.

I sincerely invite my right hon. and hon. Friends who have spoken critically—I understand where some of that comes from—to reflect carefully. There is a global neo-liberal agenda to destroy Europe, to remove such protections as currently exist, to talk down the right of social protection, and to say that rights are not universal but defined simply by the employer and capital against the human being. That is why I hope that the Government will be supported tonight, and that is why the world, reading this debate, will realise how deeply reactionary and regressive today's Conservative party is in turning its back on its history of supporting international rights.

7.34 pm

Mr. Mark Harper (Forest of Dean) (Con): The debate and the detailed arguments on both sides once again prove exactly how constrained we are in having to fit our deliberations into the straitjacket of the timetable motion that the House passed last week. Moreover, later on, the detailed discussion in Committee will be shoehorned into just one and a half hours.

I listened carefully to the Lord Chancellor's opening remarks and to other contributions, but I must confess that I remain confused about exactly what the charter of fundamental rights brings to the table. The Government seem keen to argue that it brings nothing new and that there are no new rights, which is in line with their negotiating position when they argued against the charter having legal force. However, as we have heard, the European Commission makes it clear that new rights will be in force. If that is not the case, I hope that when the Under-Secretary of State for Justice, the hon. Member for Lewisham, East (Bridget Prentice), winds up the debate she will confirm that tomorrow a letter will be winging its way from the Lord Chancellor to the European Commission to point out that the information on its website is incorrect and there are no new rights. If that letter does not find its way there, with a placed copy in the Library, we will know that the Minister agrees that there are indeed new rights. As my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) said, there is at least one new right—an unlimited freedom for scientific discovery. During that discussion, we discovered that the Liberal Democrats are very keen on unrestricted scientific experimentation, which will disappoint those who care about animal welfare.

During the negotiations on this part of the European treaty, the Government made it clear that they were unhappy with it, and it is worth putting one or two of those comments on the record. Baroness Scotland, speaking for the Government, said that making the charter binding was

"not desirable because a text incorporated into the treaties"

my right hon. Friend the Member for Wells made it clear that the charter is an integral part of the treaty with exactly the same legal force as the rest of it—"requires legal precision." She continued:

"The charter uses a breadth of language well suited for a political declaration". [*Official Report, House of Lords*, 29 November 2000; Vol. 619, c. WA142.]

The right hon. Member for Neath (Mr. Hain) said, when speaking on this matter,

"the people who say that it is a great idea to have a charter of rights do not seriously appreciate what the implications would be if it were incorporated wholesale in the treaty...My right hon. Friend the Foreign Secretary has made it absolutely clear that we shall not do that...people want a charter of motherhood and apple pie at one level, but are not willing to recognise what full incorporation would signify." [*Official Report*, 18 June 2002; Vol. 387, c. 244.]

That is important. The scope of the charter means that several articles are very broad and have potentially significant effects on the rights of this House and of our democratic structure.

One or two Members have drawn attention to article 3 on the right to integrity of the person, which could affect abortion law. My hon. Friend the Member for Hertsmere (Mr. Clappison) referred to the Human Fertilisation and Embryology Bill, which will be debated in this House when it has finished its passage in the other place. We know that many of the votes on that legislation will be free votes for Members of this House because they are on conscience matters, and we know about the passions that will be engaged in our constituents on several of those important issues. My hon. Friend made it clear that it will not be a forward step if decisions on issues such as abortion are taken out of the hands of this House and given to unelected judges.

Mr. MacShane: The hon. Gentleman should read the past declarations and protocols from Ireland, Poland and other very Catholic countries. Of course, abortion is a sensitive issue, and the European Court of Justice will not try to overturn national constitutional abortion law.

Mr. Harper: In that case, what is the purpose of having this article in the charter? If it will have no effect and the Court will not use it to change reality on the ground in any of these countries, what on earth is the

point of it, and if there is no point to it, why on earth are we effectively putting it into British law?

Some other incredibly important articles could have a huge impact on our domestic policy. Article 21 of the charter states that there should be no discrimination on the grounds of nationality. That is not limited to European states, as I read it; it means that there should be no discrimination on the grounds of nationality at all. That will have a huge impact on and wide-ranging consequences for our benefit system and our tax system. Again, it might transfer huge amounts of power from this House—people accountable to our electors—to judges. What the right hon. Member for Rotherham (Mr. MacShane) said about all judges not being accountable is not entirely true. Many judges in the United States are accountable because they are elected, so they have to listen; that is not a very good idea. I do not want people who have to worry about what electors think to make decisions in criminal cases. The right hon. Gentleman made that point about judges and it is not true.

I do not want us to give rights and powers to take important decisions that should rest with this House to people who are not elected and are unaccountable. The right hon. Gentleman raises his eyebrows, but that is what the charter does. If it does not, it has no effect at all, in which case there is no point in bringing it into law. The Lord Chancellor seemed to be trying to have it both ways, as was ably pointed out by my hon. Friend the Member for Hertsmere.

I draw hon. Members' attention to article 50, which is the right not to be tried or punished twice in criminal proceedings—the double jeopardy principle. The UK Government have already amended the rules on that, and one can take one's own view on it—it would allow the killers of Damilola Taylor to be brought to justice—but such a decision would not be possible if that article were enforced. Such decisions are matters for this House, and for Ministers who are accountable, but we will be handing those decisions over to people who are not accountable.

Finally, I would like to pick up the point that my hon. Friend the Member for Hertsmere finished on. From discussions over the past few weeks we have seen the regard in which hon. Members are held. People will only turn out in elections when they think that there is something significant at stake. We saw that in the French presidential elections, where there was a clear choice between the two candidates and turnout reached 80 per cent. I suspect we will see something similar—perhaps not as high as 80 per cent.—in the US presidential election this year. There will be a clear choice. We have already seen a significant number of voters turning out in the Democratic primaries who have not turned out before. The people they are electing can make a real difference and there is a real choice to be had.

In this country, we have seen turnout decline. I hope that voters will think that there is real choice at the next general election and that there will be a competitive election in which turnout goes up. But if electors think that the decisions they take in those elections and that the people—and the Ministers—they send here are increasingly unable to alter either the way in which our laws are made or the direction of our country, they will become even more disillusioned. They will not come and talk to us, they will not vote in elections and they will increasingly turn their attention to hiring lawyers and fighting cases in front of the European Court of Justice. That would be not a welcome step but a retrograde one. It is exactly what will happen if we cede these powers, which is why I want the House to support the amendment standing in the name of my right hon. and hon. Friends.

7.43 pm

Michael Connarty (Linlithgow and East Falkirk) (Lab): I am very happy to follow the hon. Member for Forest of Dean (Mr. Harper), whom I have not caught speaking in the House before; nor have followed a speech of his. I will read his other speeches with some attention to see whether his views are as consistently right-wing as they have been this evening.

I have no problem in supporting the Government in the debate about this aspect of the treaty. I have no fear of the European Union. I respect the views of those who also serve on the European Scrutiny Committee, but sometimes I worry about the tenor of the contributions of the right hon. Member for Wells (Mr. Heathcoat-Amory). They show a paranoia about the institution of the EU, which, despite the views we may have about these elements of the treaty, or the future position of the European Court of Justice, has not done any damage to the good people of this country. That is the truth of it. Nor has it done damage to the place where we live. We live in a Union of half a billion people.

Mr. Clappison: Will the hon. Gentleman give way?

Michael Connarty: No, I am not going to take interventions, because I hope to leave more time for the winding-up speeches than I would if I took my full 12 minutes.

What does the charter of fundamental rights say to anyone? Who is interested in it, and who is afraid of it? I will tell hon. Members who is afraid of it: the person who stood as the presidential candidate in Serbia, who would have taken that country back under the influence of Russia. It was what the charter of fundamental rights and the European Union stood for that won the election in Serbia for those who want to get closer to the EU and, we hope, join it, alongside other former parts of the fractured former nation of the Republic of Yugoslavia. I have no fear of what the EU holds out to our citizens, as well as to others.

I would like to talk about what the treaty does, with reference to the consolidated texts of the EU treaties as amended by the treaty of Lisbon. For example, article 3 has been referred to by the National Society for the Prevention of Cruelty to Children as representing a fundamental move forward. Paragraph 3 of article 3 says that there will be

"solidarity between generations and protection of the rights of the child.".

Paragraph 5 refers to

"eradication of poverty and the protection of human rights, in particular the rights of the child".

That is the first time such a provision has been put down in the laws of the EU. It is an important matter because we saw in Romania the terrible sight of

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children chained to potties on stools in the so-called children's homes that existed there before that country entered the EU. If such conditions alone are ended by the treaty, it is one worth signing.

Article 6 refers to the charter of fundamental rights, which is important because it shows that it is central to what the European Union will be about. Paragraph 3 of article 6 says

"Fundamental rights...shall constitute general principles of the Union's law."

How can we be afraid of that? Articles 145 to 150, under title IX, "Employment", deal with employment rights. I cannot see how anyone can object to a treaty that includes such provisions which will be binding on all nations. My hon. Friend the Member for Dagenham (Jon Cruddas) spoke about the difficulties of Latvia and Sweden, which did not have an understanding with regard to how people have common rights that transfer across the Union.

I come to article 153—the original article 137 of the treaty—under title X, "Social Policy". For the benefit of those who want to read our debates, and I hope that many will, I want to put on the record what that article says. It refers to

"(a) improvement in particular of the working environment to protect workers' health and safety;

(b) working conditions;

(c) social security and social protection of workers;

(d) protection of workers where their employment contract is terminated...;

(f) representation and collective defence of the interests of workers and employers, including co-determination...;

(g) conditions of employment for third-country nationals legally residing in Union territory

(h) the integration of persons excluded from the labour market"

we are always talking about integration, and wondering about the 2.7 million people who are on incapacity benefit, and why that figure has grown from several hundred thousand—

"(i) equality between men and women with regard to labour market opportunities and treatment at work;

(j) the combating of social exclusion;

(k) the modernisation of social protection systems without prejudice".

Those points are not just in the charter of fundamental rights, but in the treaty. They are things worth voting for, and I hope that we will do so.

Everyone says that it is all about the European Court of Justice—this big bad organisation that will somehow take decisions from a malicious point of view. As my right hon. Friend the Member for Rotherham (Mr. MacShane) pointed out earlier, its judgments normally are on the fair side of the equation and are not made in a malicious way that is disadvantageous to the people. The hon. Member for Hertsmere (Mr. Clappison), my colleague on the European Scrutiny Committee, says that there is no right of appeal. We know of a case that came before the Committee, concerning a journalist from Belgium. His house was raided and his equipment taken because he had put out a story about corruption in the fraud office of the EU. He went to the European Court of Justice and lost. He then went to the European Court of Human Rights and won. He got €30,000 in compensation and his costs paid. The court found against OLAF, so there are places to which one can go in the European Union if the European Court of Justice denies one's human rights. That is why human rights are so important and central to the Bill.

The charter of fundamental rights is an important document. Somebody asked why it was not a single document—it is. Here it is—I am holding up the charter. Anyone can get a copy—it is readable, accessible and says some things that we should be proud to state about the European Union of which we wish to be part. Those things will be law once the treaty is passed.

Ministers have said that the charter contains nothing additional, but it does. According to the Law Society, which analysed it purely from a legal point of view, it

"contains many rights similar to those set out in the ECHR, in addition to further rights and principles already recognised in EU law."

The rights will be additional but they are already in EU law. However, the article continues:

"Until now the Charter has had no binding effect, but this will change as a result of the Treaty of Lisbon."

The charter will be binding, and I find that attractive for reasons that I will outline. Article 4 of chapter I is entitled, "Prohibition of torture and inhuman or degrading treatment or punishment". Such a prohibition may not exist in some countries that might be considering joining the European Union. Holding up as a flagship guarantee a provision that people cannot be abused, tortured or punished inhumanely by their Governments will attract people to share our view of Europe, rather than that which some other regimes currently hold.

Article 5 of chapter I prohibits forced labour and people traffickers. Article 10 of chapter II is entitled, "Freedom of thought, conscience and religion". That is very important. Article 23 of chapter III deals with gender inequality and article 24 is entitled, "The rights of the child". Those are fundamental matters, in a charter of which we should be proud. Surely hon. Members approve of article 25, about the rights of the elderly and article 26, about the "Integration of persons with disabilities".

In chapter IV, articles 27 to 33 deal with employment rights, including family and maternity rights, and the rights that my colleagues who spoke about employment law discussed.

Chapter VI contains articles 47 to 50 and includes article 48, "Presumption of innocence and right of defence". That seems to me to be an anti-sharia law article because people are not presumed innocent under sharia law. People are presumed innocent under our law in the EU and that is fundamental, especially when considering some of the jurisdictions that want to join the Union, which take a different view about whether sharia or EU law should apply.

In chapter VII, article 53 protects fundamental freedoms and article 54 deals with the prohibition of abuse of those rights. We should include all such provisions in anything that we wish to become the law of the EU. Indeed, they are a part of EU law.

Some hon. Members have asked why we should have a protocol when, in the European Scrutiny Committee's judgment, it did not have any of the

opt-out powers that were originally discussed. As early as July, the Government began to admit that we were right and that the protocol did not constitute the opt-out that was originally intended. Paragraph 28 of our third report of the 2007-08 Session, which was published after taking evidence from Ministers, states:

> "It seems to us that a judgment of the ECJ interpreting a measure of Union law in a case brought in another Member State would form part of the body of Union law which the UK courts would be obliged to follow in the UK so as to ensure the consistent application of Union law throughout the Union."

We believe that that is the correct interpretation. If there were such judgments on the working time directive, that on agency workers and others that were mentioned, which are part of EU law and in the charter, I believe that they would be binding in this country as well as in others.

The right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind) was correct when he said that we kept emphasising to the Minister—the hon. Member for Stone (Mr. Cash) especially pressed the matter—that the only way in which the charter would not apply would be to pass a protocol, which would take effect, "notwithstanding the treaties or Union law generally". If Union law generally and the treaties are binding, the charter is also binding.

I believe that that is a good thing. I repeat that I am worried that the trade union movement has reacted so badly to what appeared to be a signal—a flourish—to the CBI that somehow we would not grant the same rights in employment law to everyone. If we rejected the treaty, we would deny the charter to every other country and trade unionist in Europe. Some need it much more desperately than our unions. It is a question of solidarity. The trade union movement should not be afraid of the impact on human rights or workers' rights through accepting the treaty, for which I shall vote.

7.55 pm

Mr. William Cash (Stone) (Con): I shall speak briefly, partly because I do not have much time. I will have an opportunity to say more later. Following the speech of the Chairman of the European Scrutiny Committee allows me to say that my concern is that he is right, because the Committee has examined the position and been through an enormous number of other legal authorities. There is no doubt that the advice that the European Scrutiny Committee has given Parliament is valid. If matters continue the way they are, the Government, who believe—probably not sincerely because they did not want the charter in the first place—that they are managing to put a roadblock in the charter's way, will end up having to accept it.

Conservative Members take a different view, which is that the charter should not apply in any event. When we consider amendments in Committee later, I will explain the way in which my amendments can help the Government to achieve their objectives. I may comment on other amendments, too. However, the bottom line is that Conservative Members are united on one central principle: we do not believe the Government's line that their actions can prevent what we fear from happening. We all agree that our argument stands up in the interests of the people whom we represent. There is unity among Conservative Members about that, but we have a slight problem that we must resolve in the next one and a half hours.

I do not need to add any more until I get to the nub of the issue, and the nuts and bolts, which I will explain when we discuss amendments. I am extremely grateful for a marvellous opportunity to speak for one minute more than I did on the previous occasion.

7.57 pm

Mr. Dominic Grieve (Beaconsfield) (Con): The brevity of my hon. Friend the Member for Stone (Mr. Cash) always comes when he makes those points with which I most agree. He is right in his analysis of the debate. It is extraordinary that the quality of the debate rose dramatically when the Lord Chancellor sat down. Until then, we were treated to a characteristic campaign of explanation that the charter was a wonderful, innocuous document and that those who could not appreciate its merits suffered from the usual Conservative paranoid delusions about its content.

We had to wait until the end of the debate to hear the hon. Member for Linlithgow and East Falkirk (Michael Connarty), who correctly analysed the pros and cons of the changes that the Lisbon treaty will effect. I am only too eager to debate that. We know from listening to the debate between hon. Members in the same political parties that the subject can provoke interesting discussion on a topic of great importance for this country's future. The Lord Chancellor—and Government Front Benchers generally—does not want anyone to realise that that discussion is happening. If I have a complaint about the process of these debates, whether today's debate or last week's debate on criminal justice, it is that those on the Treasury Bench reduce the issues to a series of facile soundbites and show an unwillingness to engage, but then complain when the public exhibit what they describe as "signs of paranoia". I have to say that I might start to become a bit paranoid if I saw individuals systematically attempting to obfuscate and missing the point so much.

We had a good debate once the Secretary of State had sat down, first with a speech from my hon. Friend the Member for Aylesbury (Mr. Lidington). Then the hon. Member for Hendon (Mr. Dismore) made an important contribution on the role of the charter, which in his view is innocuous. I disagree with him about that. The reason, which I mentioned in my intervention on the right hon. Member for Rotherham (Mr. MacShane), to whom I shall return, is that we have to ask ourselves what the charter's purpose is. Let us forget about our protocol for a moment, and ask why the charter is there and what it is designed to achieve.

To respond to the hon. Member for Linlithgow and East Falkirk, my problem with the charter is, first, that it has been placed at the heart of an institution whose primary purpose is not the promotion of human rights. That was picked up in a series of comments, including those of the hon. Members for Elmet (Colin Burgon) and for Hemsworth (Jon Trickett), and the right hon. Member for Oldham, West and Royton (Mr. Meacher), all of whom raised their deep concern about the extent to which the European Union's agenda might be harmful to some of the social policy issues that they want to promote. I do not want to get involved in the

[Mr. Dominic Grieve]

detail of that debate, but they were right to highlight the potential impact of European Union laws and policies in areas of concern to them. Again, the Government's unwillingness to engage with the issue troubles me very much, because it is plainly relevant to how the European Union develops.

I return to the point that we have in the European convention on human rights a document that commands total acceptance in all parts of the House, to which all European countries that are members of the EU are adherents and which provides a well established formula for defining human rights, in wording that is different from the charter of fundamental rights. The point is not just that the charter has extra text covering rights that are not covered by the ECHR—that might be an interesting topic of debate—but that the wording is different. If the Government are so insistent, in their project to introduce a new Bill of Rights, that they are going to keep the ECHR text within the Human Rights Act 1998 because they do not wish to differ from it, that prompts the question, which remains unanswered: why are they so comfortable with the European Union doing the very thing that they do not wish to see done domestically? I hope very much that the Minister will rise to the occasion and deal with that point.

Mr. David Heath (Somerton and Frome) (LD): Do I understand from what the hon. Gentleman is saying that he now agrees with the point that I have made repeatedly, which is that it is unhelpful to have two forms of human rights legislation and wording that are independently justiciable?

Mr. Grieve: The hon. Gentleman makes a good point. The situation raises difficulties of interpretation. I am not saying that there are no arguments to the contrary; what I am saying is that the Government should say why the arguments that they have put forward in the context of a potential domestic Bill of Rights, which they have indicated they wish to introduce, apparently do not need to be considered in the context of the charter of fundamental rights. As yet we have received no answer whatever to that question, because the debate has, I am afraid, so frequently been reduced to such facile levels.

The second issue is the protocol and the impact of the charter of fundamental rights on our national legal and parliamentary processes. The Government negotiated the protocol for some purpose. However, having listened to what those on the Treasury Bench have said on the matter, one begins to think that the protocol is merely a fig leaf, whereas it was originally sold as a protection. The protection that the Government wanted concerned their anxiety to persuade the public in the UK that the charter could not be used to have an impact on, effectively, domestic legal areas.

As European law is expanding—one of the purposes of the treaty of Lisbon is for that to happen—and moving into, for example, areas of crime and justice, which we debated last week and on which I disagree most profoundly with what the Government are allowing to happen, it must be inevitable that the charter of fundamental rights will apply even in crime and justice areas that fall within the European Union's remit, if the Government opt into any of them. Again, we have yet to hear any explanation from the Lord Chancellor or the Minister of how the Government think that will operate in practice. If the protocol is in fact worthless—as in my view it is—there will be instances where the European Union and the European Court of Justice will use the charter of fundamental rights to affect the development of UK domestic law in areas such as criminal justice to which we have opted in. It may be argued that that is a good thing; indeed, some Government Members, and certainly Liberal Democrat Members, seem to think that that would be a good development. However, the issue at least merits some debate, which is the very thing that we have not had from the Government.

Mr. Cash: Does my hon. Friend agree that one of the problems that the Government will face is in respect of the question of 28 or 42 days, and does he think that that would be a judgment for the European Court of Justice or the European Court of Human Rights?

Mr. Grieve: I am concerned about the operation of European Court of Justice in this context. It is difficult to know exactly how that will develop, but in view of the architecture of the treaty of Lisbon, it is certain that the potential for decisions of the European Court of Justice, based on the charter, to intrude on our domestic law is real and cannot be ignored.

I want to hear the Minister's answers to those questions. I am sorry that this debate is so characteristically short. I simply say this to the Government: they have failed to make the case. Once again, the House and the country are being asked to accept a series of major changes that have not been properly debated, analysed or thought through.

8.8 pm

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): This has been a fascinating debate, although facile in parts; the hon. Member for Beaconsfield (Mr. Grieve) perhaps ought to look on the Benches behind him for that adjective. I commend the passion that has been expressed in all parts of the House and thank the Chairmen of the European Scrutiny Committee and the Joint Committee on Human Rights for their contributions. I should like immediately to apologise to the House for being unable to answer all the questions thrown up in this four-and-a-half-hour debate, but I hope that my hon. Friend the Minister for Europe will address some of them in the following debate on amendments to the Bill.

I start by asserting our pride in our provisions on human rights and stressing again that the human rights provision contained in the Lisbon treaty, particularly the charter of fundamental rights, will ensure that the European Union is committed to the protection of human rights without infringing on the sovereignty of member states. The charter is not, and was never intended to be, a source of new enforceable rights. The 1999 Cologne European Council, which started the work of the charter, was very clear in its conclusions:

> "The European Council takes the view that, at the present stage of development of the European Union, the fundamental rights applicable at Union level should be consolidated in a Charter and thereby made more evident."

The aim of the charter in 1999, as in 2008, was to make the fundamental rights and principles shared by member states more visible by condensing them in a single document. The level of protection of fundamental rights across the Union was never intended to be, and cannot be, changed by the charter, for the simple reason that the charter reflects only existing rights already recognised in the Union, which in some circumstances do no more than restate—and are subject to—domestic legislation.

During the negotiations, the Government successfully agreed a package of safeguards clarifying the scope and interpretation of the charter. Four measures in particular have been established: the new wording of article 6 of the treaty on European Union, the charter's horizontal articles, the official explanations accompanying the charter and the binding protocol on the charter.

I shall deal with some of those items in detail, but first let me reassure my hon. Friends the Members for Elmet (Colin Burgon), for Dagenham (Jon Cruddas) and for Hemsworth (Jon Trickett), and my right hon. Friend the Member for Oldham, West and Royton (Mr. Meacher), who raised important issues about the Laval and Viking judgments. The legally binding charter and the protocol will not affect the European Court of Justice case law in those cases, in which the ECJ held that the right to take collective action was already part of EU law, as reflected in article 28 of the charter. That right, however, is subject to national laws and practices. The protocol does not reduce or limit charter rights; it simply makes clear how they apply.

The amended article 6 of the treaty on European Union, new article 6(1), clearly states:

"The provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties."

That was raised by a number of Opposition Members, notably the hon. Members for Hertsmere (Mr. Clappison) and for Aylesbury (Mr. Lidington). Article 51(2) of the charter states—*[Interruption.]*

Mr. Deputy Speaker (Sir Michael Lord): Order. Conversations are breaking out throughout the Chamber. The House ought to do the Minister the courtesy of listening to what she is saying.

Bridget Prentice: I am grateful to you, Mr. Deputy Speaker. As I was saying, article 51(2) of the charter states:

"The Charter does not extend the field of application of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks as defined by the Treaties."

The horizontal articles in title VII of the charter, especially articles 51 and 52, define the field of application, scope and interpretation of the charter. They clearly state that the charter is aimed at EU institutions and member states only as they are implementing EU law. In addition, the official explanations, which indicate the source of the rights and principles contained in the charter, have been published together with the charter in the Official Journal of the European Union. I have already mentioned article 6, which states that due regard must be given to those explanations. By setting out the sources of and limits of the provisions in the charter, the explanations show that it does not create any new rights, but simply reaffirms rights that are already recognised in the law of the Union and in member states' own national laws.

The combination of those three measures—the wording of article 6, the horizontal articles and the official explanations—makes the charter's scope and interpretation absolutely clear. However, we listened to concerns expressed about, in particular, the charter's alleged interference with United Kingdom labour and social laws, and for the avoidance of any doubt we negotiated a fourth safeguard. It consists of a binding protocol, originally proposed by and for the United Kingdom but later extended to Poland. My right hon. Friend the Lord Chancellor went into some detail about the content of the protocol, and I shall not repeat what he said.

Mr. Gauke: Perhaps the Minister will answer a question put to the Lord Chancellor that he did not really address. If a country that does not have the benefit of the protocol takes a case to the European Court of Justice, which, on the basis of the charter, makes a decision, why will that decision not become part of EU law, and therefore applicable to the United Kingdom under our general EU treaty obligations?

Bridget Prentice: That issue was raised a number of times by Opposition Members, which surprised me, given that the ECJ's decisions have been binding since 1957 and the original treaty. They will continue to be binding in the same way.

Mr. Grieve: Will the Minister give way?

Bridget Prentice: Very briefly.

Mr. Grieve: If I may say so, the Minister has not answered the question that she has just been asked. It was a very specific question, to which, surely, the only answer can be that in such circumstances the protocol provides no protection whatsoever, because the charter will have been applied in this country through its incorporation in European Union law in a decision concerning another country.

Bridget Prentice: Again, the hon. Gentleman's premise is false. No new rights have been created. Let me say to him, and also to the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind) and the hon. Member for Aylesbury, that the protocol's meaning and wording are very clear and that it is legally binding. It puts beyond doubt the fact that the charter simply cannot extend the powers of the courts to strike down UK laws, and that it does not introduce new justiciable rights.

My hon. Friend the Member for Hendon (Mr. Dismore) said that the ECJ would be subservient to the European Court of Human Rights, and he is absolutely right. The Court's primacy in setting European rights and standards remains. The hon. Member for Kingston and Surbiton (Mr. Davey) said that we had a great story to tell on human rights, and that we should tell it loud and clear. I agree, and on that basis I commend the motion to the House.

Question put, That the amendment be made:—

The House divided: Ayes 170, Noes 362.

Division No. 70] **[8.17 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duncan, Alan
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Rosindell, Andrew
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Dr. Richard
Tredinnick, David
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Young, rh Sir George

Tellers for the Ayes:
James Duddridge and Jeremy Wright

NOES

Abbott, Ms Diane
Ainger, Nick
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baker, Norman
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bruce, rh Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burstow, Mr. Paul
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Cairns, David
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Carmichael, Mr. Alistair
Caton, Mr. Martin
Cawsey, Mr. Ian
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davey, Mr. Edward
David, Mr. Wayne
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.

Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Etherington, Bill
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Fisher, Mark
Fitzpatrick, Jim
Fiello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Alan
Keen, Ann
Keetch, Mr. Paul
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Mr. Charles
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Lloyd, Tony
Llwyd, Mr. Elfyn
Lucas, Ian
Mackinlay, Andrew
MacNeil, Mr. Angus
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Oiner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Sharma, Mr. Virendra
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Matthew
Teather, Sarah
Thomas, Mr. Gareth
Thurso, John
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Mr. Neil
Twigg, Derek
Vaz, rh Keith
Vis, Dr. Rudi
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wishart, Pete
Wood, Mike
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Noes:
Alison Seabeck and Mr. Sadiq Khan

Question accordingly negatived.

It being more than four and a half hours after the commencement of proceedings on the motion, MR. DEPUTY SPEAKER *put forthwith the Main Question, pursuant to Order [28 January].*

The House divided: Ayes 363, Noes 168.

Division No. 071] **[8.32 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baker, Norman
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Beil, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bruce, rh Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burstow, Mr. Paul
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Cairns, David
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Carmichael, Mr. Alistair
Caton, Mr. Martin
Cawsey, Mr. Ian
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davey, Mr. Edward
David, Mr. Wayne
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Etherington, Bill
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Alan
Keen, Ann
Keetch, Mr. Paul
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Mr. Charles
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Lloyd, Tony
Llwyd, Mr. Elfyn
Lucas, Ian
Mackinlay, Andrew
MacNeil, Mr. Angus
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Oiner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget

Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Sharma, Mr. Virendra
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Matthew
Teather, Sarah
Thomas, Mr. Gareth
Thurso, John
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Mr. Neil
Twigg, Derek
Vaz, rh Keith
Vis, Dr. Rudi
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wishart, Pete
Wood, Mike
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Sadiq Khan and Alison Seabeck

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Duncan, Alan
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Rosindell, Andrew
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Tredinnick, David
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Young, rh Sir George

Tellers for the Noes:
James Duddridge and Jeremy Wright

Question accordingly agreed to.

Resolved,

That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning human rights.

Simon Hughes (North Southwark and Bermondsey) (LD): On a point of order, Mr. Deputy Speaker. Colleagues and I have come back at this stage in the proceedings in the hope that at some stage you or your colleague in the Chair might select motion 46 on the Order Paper, which is the instruction to the Committee. I would be grateful to know whether there is any way in which, were you minded to do so, we could be given notice earlier than now so that the House was aware that the motion was coming down the track, as it were. Can you confirm that Standing Order No. 66, which the Speaker and your colleagues have determined governs this situation uniquely, not only would allow the selection of such an instruction at this stage, but would not prevent earlier notice that it was in the mind of the Speaker to select it?

Mr. Deputy Speaker: That is the sort of point of order that the hon. Gentleman has made on previous occasions, although it is not precisely the same. The proceedings for today have already been decided and there is nothing that the Chair can do at this point in time to alter them.

Orders of the Day

European Union (Amendment) Bill

[3RD ALLOTTED DAY]

Further considered in Committee.

(Any selected amendments to clause 2 relating to human rights)

[SIR MICHAEL LORD *in the Chair.*]

Clause 2

ADDITION TO LIST OF TREATIES

8.45 pm

Mr. William Cash (Stone) (Con): I beg to move amendment No. 84, page 1, line 12, after 'excluding', insert—

'(i) Article 1, paragraph 8, replacement Article 6 TEU relating to rights, freedoms and principles; and

(ii) '.

The Second Deputy Chairman of Ways and Means (Sir Michael Lord): With this it will be convenient to discuss the following: Amendment No. 217, page 1, line 12, after 'excluding', insert—

'(i) Article 1, paragraph 8, replacement Article 6 TEU, paragraph 1, concerning the Charter of Fundamental Rights; and

(ii) '.

Amendment No. 85, line 12, after 'excluding', insert—

'(i) Article 1, paragraph 9, amendments to Article 7 TEU relating to breach of principles; and

(ii) '.

Amendment No. 125, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 18, inserted Article 5b TEC (TFEU) relating to the combating of discrimination; and

(ii) '.

Amendment No. 129, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 34(b) to (d), amendments to Article 17 TEC (TFEU) relating to the rights and duties of citizens of the European Union; and

(ii) '.

Amendment No. 194, line 12, after 'excluding', insert—

'(i) the Protocol relating to Article 6(2) of the Treaty on European Union on the Accession of the Union to the European Convention on the Protection of Human Rights and Fundamental Freedoms; and

(ii) '.

Amendment No. 196, line 12, after 'excluding', insert—

'(i) the Protocol on the Application of the Charter of Fundamental Rights of the European Union to Poland and to the United Kingdom; and

(ii) '.

Amendment No. 228, line 12, after 'excluding', insert—

'(i) the Protocol on the Application of the Charter of Fundamental Rights of the European Union to Poland and the United Kingdom—

(a) Preamble, tenth paragraph stating that references in the Protocol to the operation of specific provisions of the Charter are strictly without prejudice to the operation of other provisions of the Charter; and

(b) Preamble, twelfth paragraph stating that the Protocol is without prejudice to other obligations devolving upon Poland and the United Kingdom under the Treaty on European Union, the Treaty on the Functioning of the European Union, and Union law generally; and

(ii) '.

Amendment No. 229, line 12, after 'excluding', insert—

'(i) the Protocol on the Application of the Charter of Fundamental Rights of the European Union to Poland and the United Kingdom, Preamble, eleventh paragraph stating that the Protocol is without prejudice to the application of the Charter to other Member States; and

(ii) '.

Amendment No. 203, line 12, after 'excluding', insert—

'(i) the words "Title IV of" in paragraph 2, Article 1 of the Protocol on the Application of the Charter of Fundamental Rights of the European Union to Poland and to the United Kingdom; and

(ii) '.

Amendment No. 27, line 13, after second 'to,' insert—

'(i) the Charter of Fundamental Rights; and

(ii) '.

New clause 6—*Disapplication of the Charter of Fundamental Rights*—

'Notwithstanding any provision of the European Communities Act 1972, nothing in the Charter of Fundamental Rights of the European Union of December 7th 2000, as adapted at Strasbourg on December 12th 2007, shall be binding in any legal proceedings in the United Kingdom and shall not form part of the law applicable in any part of the United Kingdom.'.

New clause 12—*Charter of fundamental rights*—

'For the avoidance of doubt, no decision of the European Court of Justice which is based on any application of the provisions of the Charter of Fundamental Rights of the European Union to interpreting or applying the law of the European Union shall have any force of law or effect in the United Kingdom.'.

Mr. Cash: I am extremely grateful and honoured to be able to lead the debate on this subject. In the previous debate, we demonstrated the enormous gulf between us and the Government and, furthermore, the gulf between the Government and reality. Last night, I watched a fascinating programme on the history of the atom. It contained things that I almost could not understand, but one thing I grasped was that according to those enormous brains—Mr. Feynman, Mr. Gell-Mann, Mr. Dirac, Mr. Einstein and all the others—there is a notion of virtual reality.

The Government have that notion in respect of the charter of fundamental rights. It is absolutely clear from the European Scrutiny Committee report and from other eminent analyses by significant and interesting lawyers that there is no doubt that the charter of fundamental rights will be made applicable in the UK sooner or later by the European Court of Justice. It will catch up with the Government, just as the working time directive caught up with us despite my attempts to get my Government to understand in the 1980s that that would happen. Why was I right? It was not because of any stroke of genius, but simply because I know the ways of the ECJ.

It is interesting to remember that the Government were opposed to the provisions in the charter of fundamental rights being applied through the treaty and the protocols, and it is equally true that they have tried to put up various roadblocks. I do not think that they have succeeded. Thanks to the European Scrutiny Committee, their cover has been blown.

Philip Davies (Shipley) (Con): I fully support my hon. Friend's amendment, but will he expand on why it is so important? Many of my constituents despise the Human Rights Act 1998, but we could repeal it. If the charter of fundamental rights is incorporated into our law, does he agree that it will be binding and that Parliament will be able to do nothing to alter its provisions?

Mr. Cash: One of the wonderful things about this House is that one can almost guarantee that another hon. Member will intervene to make the point that one was about to make. In this instance, however, I am glad that it happened. These are very important matters and, although almost no one outside is interested in our debates, there is no doubt that, in due course, people will complain bitterly about the Government's approach. It will become the conventional wisdom that the Opposition were right and the Government wrong. We are trying to keep ahead of the curve on these matters: in the national interest, we are trying to stand up for the people of this country, and their rights.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): I always listen to the hon. Gentleman carefully, as what he says is important. However, although the Opposition have made clear their unhappiness with the Government's policy, they have not said what they would do differently or how much further they would go. It is sad that people outside are still not being told what the alternative is to Government policy, or what could happen instead.

Mr. Cash: I accept what the hon. Lady says but, if I may be allowed to say so, I do not put myself in the category of those who have not been persistent in these matters. I have made completely clear my desire to achieve clarity about the treaty.

Mike Gapes (Ilford, South) (Lab/Co-op): Will the hon. Gentleman give way?

Mr. Cash: In a moment, if the hon. Gentleman will forgive me. I was just about to mention the origin of the human rights legislation, a subject in which I know he has a great interest.

The legislation began with the universal declaration of human rights in 1949, which I have studied in depth. The distinguished Lebanese jurist Mr. Malik was the

[Mr. Cash]

rapporteur, and his reports placed enormous significance on the rights of the individual. There was a huge battle between him and Mr. Topialeck and the other Soviet representatives, who were trying to put their version of the declaration.

There is no time to go into the details, but the four freedoms that were agreed did not include democracy. In contrast, I believe that democracy is the first freedom, because all else follows from it. That is what I am concerned to insist on in these debates, because democracy means that my constituents have the right to decide in a general election what sort of Government they want and what laws are applied to them.

Mike Gapes: I am grateful to the hon. Gentleman for giving way, but I seek clarification about where the Opposition stands on these matters. In earlier debates, the hon. Member for Beaconsfield (Mr. Grieve) made it clear that the Conservative party, along with the rest of the House, supports the European convention on human rights. However, the hon. Member for Shipley (Philip Davies) said in an earlier intervention that he despises the Human Rights Act 1998, which incorporated the ECHR into UK law. Will the hon. Gentleman clarify where he stands on that issue?

Mr. Cash: It is very simple: when I was shadow Attorney-General, I proposed the repeal of the 1998 Act. I am glad to be able to say that that is now my party's policy, and I trust that it will remain so. I shall go further and say that I have the gravest reservations about how the ECHR has impinged on the essential question. I would fight to the death to defend the rights themselves—and my own father died for that cause in the last war—and the proposition that decisions about the rights enjoyed by people in this country should be made by this Parliament. However, I would also fight to the death to ensure that they are not made in the abstract, according to principles put forward and adjudicated by an unelected European Court of Justice.

Ms Patricia Hewitt (Leicester, West) (Lab): Will the hon. Gentleman confirm that it is his policy, and perhaps that of his party, that Britain should withdraw from the convention on human rights? If that is not his policy, will he confirm that repeal of the Human Rights Act would simply mean that any UK citizen who wanted to enforce the convention on human rights would have to go to the European Court of Human Rights—the situation that existed until the Human Rights Act repatriated the law so that British citizens could go to British courts to enforce their rights under the European convention? Where does the hon. Gentleman stand on those questions?

Mr. Cash: I am happy to commend the right hon. Lady to people on her side of the equation; as in the earlier debate, she put the arguments from her point of view as well as they could be put—which is not very much. I really believe that the point I have just made, and which my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) made in his speech on the motion, is very important: we operate, and have always operated, not on the basis of a written constitution or the abstract principles so beloved of—if I dare say it—the Socialist International and all that goes with it, but on the pragmatic assumption that there is a need to adapt and evolve according to the requirements of the time, as Edmund Burke would have said of his time. There are principles we believe in, such as human rights, freedom, democracy and liberty, but we apply them periodically according to the circumstances of the time, not according to a fixed order of the kind prescribed in the arrangements we are debating.

Bob Spink (Castle Point) (Con): Does my hon. Friend agree that the arguments put by the right hon. Member for Leicester, West (Ms Hewitt) were holed below the water line by the Labour Chairman of the European Scrutiny Committee, who said that the Government's red lines on the charter would "leak like a sieve"?

Mr. Cash: Indeed. The red lines have already leaked like a sieve. I am reminded of the story of the hunting of the Snark; in the pursuit of an abstract and completely unknowable objective the colander leaked like a sieve and sank. That is exactly what will happen in this case.

I am concerned about the overlap between the European convention on human rights and the charter of fundamental rights as set out in article 6, which is the subject of the amendment. I referred to the article earlier in an intervention on a Minister. For all the weasel words and questions about opt-out—whether we really face legislation that we could avoid by some mechanism, trickery or cunning—and all the legal verbiage that we shall have to deal with in due course, we are discussing amendments about whether the provisions before us should apply. I am open to challenge, but I merely repeat the words in article 6(3):

> "Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedom and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law."

That means that the European Court of Justice will apply the general principles of the Union's law. I have heard many arguments suggesting that that will not be the case, and that the European Court of Human Rights will be able to retain its independent status and continue to operate as if the provision had not been passed, but I think that that is pure Walter Mitty.

9 pm

Mr. John Redwood (Wokingham) (Con): I am grateful to my hon. Friend for putting together and tabling so many excellent amendments, which, if we had the time to discuss them, would indeed provide us with the line-by-line scrutiny that we are being denied. Does he agree that the Government do not seem to grasp that the simple question is: "Do you wish to be governed by elected people in Parliament, whom you can sack, and from whom you can get a different answer following a general election, or do you wish to be governed by unelected people on the continent whom you cannot sack, and from whom you will never get a different answer?" Is not that the issue?

Mr. Cash: It is the issue, and the point needs to be repeated over and over. I believe that there are Members on the Labour and Liberal Democrat Benches who

believe in that, because their own parties evolved from, or came from, the fight in the 19th century for the very rights that we are now taking away from them. It is astonishing that a vague application of general principles, through the European Court of Justice, should be allowed to be a substitute for people's right to choose who they want to vote for, and to choose the Government under whom they want to live.

We are always being told that we have to listen to what that European Court says. Opinion 2/94 of 28 March 1996 says that accession to the ECHR would

"entail a substantial change in the present Community system for the protection of human rights in that it would entail the entry of the Community into a distinct international institutional system as well as integration of all the provisions of the Convention into the Community legal order"

end of story. That relates to a European Court of Justice case. There is no argument about that. As many Conservative Members have rightly said in their extremely good contributions, the European Court of Justice has the last say—and the last laugh.

Mr. Edward Davey (Kingston and Surbiton) (LD) *rose*—

Mr. Cash: I give way to the Liberal Democrat, because he always amuses me.

Mr. Davey: I am grateful to the hon. Gentleman. I cannot tell him how much fun I have listening to him. Has he considered the European Court of Justice's Internationale Handelsgesellschaft ruling of 1970, in which it was decided that fundamental rights formed part of the general principles of Community law that the ECJ was obliged to uphold? That is basically exactly what is written in article 6(3).

Mr. Cash: The only reason Handelsgesellschaft, together with Costa and a series of other cases that I could quote to the hon. Gentleman, who obviously does not have all his cases in front of him, has any applicability whatever to this House and to the people of the country, including my voters, is because of sections 2 and 3 of the European Communities Act 1972. I address that issue in my new clause 6. The Government have said that they do not want the charter to apply to this country. Although they go in for a lot of weasel words about opt-outs and the rest of it, that is their bottom line, and they said as much during the Convention. The reality is that there is only one way to extract oneself from the labyrinth, or leviathan, of the European Court of Justice, from which there is no appeal, which is not elected, and which lays down principles through the acquis communautaire, with which we have to comply because of sections 2 and 3: to use the formula,

"Notwithstanding . . . the European Communities Act 1972".

I would like to press on to other matters, and then I should like to come back to the issue of how the unity found among Conservative Members could best be achieved by others.

Rob Marris (Wolverhampton, South-West) (Lab): Will the hon. Gentleman give way?

Mr. Cash: I shall certainly give way to my friend—my hon. Friend.

Rob Marris: I am grateful to the hon. Gentleman, who is very generous and knowledgeable, as ever. He decries the European Court of Justice for not being elected. I understand that point. Does he accept that the Judicial Committee of the House of Lords of the United Kingdom is not elected, either?

Mr. Cash: Indeed, but the difference is that there is a way of dealing with the judgments that come out of the House of Lords—enacting legislation and putting matters right. I am delighted that the hon. Gentleman walked into that bear trap. The proposition that I put to the Committee is that we should insist on the supremacy of Parliament to rectify decisions that are taken on behalf of our electors. He is the hon. Member for Wolverhampton, South-West. I doubt very much whether the debate will be reported in any of his local newspapers, which is a great pity, but if his electors knew that the hon. Member for Wolverhampton, South-West, who is the successor of my old friend Nick Budgen, would prefer to have decisions taken on their behalf by the Court of Justice rather than by themselves, he might not be in his present position very long. However, he can rest assured that, as I have said on a previous occasion, the best way to keep a secret is to make a speech in the House of Commons. The hon. Gentleman, my good friend, will therefore understand that he is trespassing on sensitive territory.

The Government were explicit and clear about the Human Rights Act 1998. The Lord Chancellor at the time made it clear in his speeches that the sovereignty of the United Kingdom was not affected by the Human Rights Act and that we could legislate inconsistently with it if we wanted to do so. Lord Hoffmann, in a famous case called Simms *v.* O'Brien, made it crystal clear in a House of Lords decision that if Parliament decided to do so it could in every material respect amend or repeal that Act. The Lord Chancellor of the time made that clear as well.

That is not the same as the question that applies to the European Court of Justice, which is why I was so keen to get on the record my concern that the European Court of Justice will effectively subsume—as it was expressed in the decision of the Court of Justice—the legal order of the European convention on human rights. It may apply the principles, but that is typical of the doublespeak of a kind that I came across in a very interesting book, which some people will recall: "Nineteen Eighty-Four" by George Orwell.

In the book Orwell deals with the biggest problem of all. He writes:

"In Oldspeak it is called, quite frankly, 'reality control'."

I started my speech by saying that I thought we were moving into virtual reality. We are going back to "Nineteen Eighty-Four" in the field of reality control. Orwell goes on:

"In Newspeak it is called *doublethink*, though *doublethink* comprises much else as well.

Doublethink means the power of holding two contradictory beliefs in one's mind simultaneously, and accepting both of them."

We are dealing with the concept that there are fundamental principles that are part and parcel of the European convention on human rights, but the doublethink comes from saying, "Those are the principles, but that is not the way that they are going to be applied." They will

[Mr. Cash]

be applied another way, under the aegis of the treaty of Lisbon and the general principles of the Union's law, as set out in article 6(3). All the abstruse debate, none of which will get into the press or be discussed in the media, is about one simple problem—that is, that the people of this country are being profoundly deceived by the idea that this Bill is innocuous and will not have a dramatic effect on their daily lives, but it will.

Mr. Peter Bone (Wellingborough) (Con): I listened to the earlier debate, in which the Government claimed that, although these proposals would make no difference at all, they were still bringing them in because they had to do both. Is that ability to hold two ideas at the same time an example of doublethink?

Mr. Cash: It is not only doublethink, but—if I may, somewhat presumptuously, add a little bit to George Orwell—double cross. That is all part of the problem. There is an assumption that, because nobody is going to listen to any of these debates and because the Benches are so empty, this does not matter. It matters very much indeed, however. The European Scrutiny Committee—on which I have the honour to sit with my hon. Friend the Member for Hertsmere (Mr. Clappison) and others who are in the Chamber tonight—has done this country a service by revealing the truth, which the Government cannot dispute. I shall be fascinated to hear how the Minister for Europe responds to the debate, because he knows that as this process progresses, and as the curve begins to come back to reality, this will catch up with the Government, just as the working time directive did under our own Government.

Mr. James Clappison (Hertsmere) (Con): My hon. Friend is making an extremely convincing case. On his point about the increasing effects of the treaty on our everyday lives, should we not see the operation of the charter and the European Court of Justice in conjunction with the increasing competence of the European Union? For example, the treaty will enable such increases to happen in the fields of judicial and home affairs and in many other areas as well. As the reach of European Union law and European Union action are increased, by the same token will not the reach of the European Court of Justice be extended, as well as its effect on people's everyday lives?

Mr. Cash: My hon. Friend is completely right; this is an evolving dynamic. New rights are being created by these provisions, although that is denied by the Government. Every time the European Union accumulates functions, it claims that this does not involve the creation of new rights. In 1972, we agreed to go into a thing called the European Community, but the accumulation of functions since then has changed the dynamic. Similarly, if one were to have spoken about the need for democratic reform in 1848, it would not have been the same as talking about democracy in 1888, 1928 or 1948. To go back to my earlier analogy about the atom, we have now started to move into a quark-like environment in which we are actually going backwards. Our democracy is being devoured in this new virtual reality that is being created. People need to think hard about this.

In our earlier debate, the right hon. Member for Rotherham (Mr. MacShane) was talking about the great 19th century reformers. I do not want to make a big issue of it, but it so happens that one member of my family, John Bright, fought tenaciously and successfully for the right of the man in the street to have the vote. Every single person in the country would support that now, but there was huge resistance to it in those days. Those rights were established within the then Liberal party—not this completely vacuous, insipid abstraction called the Liberal Democrat party today—which, in those days, actually fought for people's rights. People now talk about rights but they do not act to achieve them. That is the problem.

Rob Marris: I suggest that the hon. Gentleman is demonstrating the doublethink that he earlier decried, and I will explain that. He quite rightly said that democracy evolves over time, and he gave the examples of 1848 and the achievement of universal adult male suffrage. The achievement of the vote for women happened in my mother's lifetime. However, he then said that he wanted to wind democracy back to 31 December 1971. He is absolutely right to say that it is an evolving dynamic. Democracy changes, and the European Court of Justice is subject to a democratic process, just as the Judicial Committee of the House of Lords is. It is simply a different democratic process. These things are evolving.

9.15pm

Mr. Cash: I am sorry, but the hon. Gentleman fails to understand the point of principle that I am making, which is, very simply, that elections matter more than judicial judgments. That is my main point.

Bob Spink *rose—*

Mr. Cash: I should get ahead a little, because others definitely want to speak.

I should like to touch on how the European Court of Justice has operated, on the interaction in our constitution between the decisions taken in the House and those of the Court itself, and on what we can do about it. There is a world of difference between saying that we want to be able to legislate for ourselves and facing up to the fact that that presents certain constitutional problems in the light of the European Communities Act 1972. However, before I get to that, and because my main concern is about the rights of the people of this country to have the vote and to be able to use it properly, I should like to refer to chapter 5 of the charter. It talks about citizens' rights, and mentions the

"Right to vote and to stand as a candidate at elections to the European Parliament",

the

"Right to vote and to stand as a candidate at municipal elections",

and so on. There is no reference to the right to vote to uphold the democracy of the individual member states according to their constitutional orders; this is to do with the European Union's citizenship. In an intervention, I made a point about the Lisbon treaty. Whereas at the moment, citizens' rights complement the rights of the citizens in the individual member states, the treaty says that those former rights will be in addition to the latter

ones, not complementary to them. That makes a substantial difference. I do not want to labour the point, but a new citizenship is being created. It fills in the gaps about which I remember complaining to my Government during the proceedings on the Maastricht treaty. I vividly remember that that treaty said that, as has been developed by the dynamics of other treaties since, the citizens' rights will be subject to such rights, powers and duties as shall be developed in due course.

Mike Gapes: Given that the hon. Gentleman is introducing this debate and speaking as if from the Front Bench, and given the references that he keeps making to the Maastricht treaty, can he say whether he—and therefore his party—regrets the Maastricht treaty?

Mr. Cash: As I voted against it more often than any other Member of Parliament, my answer is yes, I certainly do. It was a fundamental and dreadful mistake. I also happen to believe that we have moved on since then and that the Conservative party is united in opposition to the Lisbon treaty. As far as I am concerned, everything is moving extremely well in the right direction. The hon. Gentleman will find that the problems he has just identified in this treaty—he did that by referring to the Maastricht treaty, which is part of it—will hit his party very hard on the head in due course. However, we will leave that one until later.

In the United Kingdom courts, case law is extremely important in respect of whether we are able to exclude ourselves, as the Government claim they want us to be able to do, from the charter of fundamental rights. There are Labour Members who would like the charter to apply, but we Conservatives do not want it to apply to the United Kingdom. I should like to touch on a number of important cases that need to be taken into account. The first is Macarthys Ltd *v.* Smith, on which the famous Lord Denning sat. He said:

> "Thus far I have assumed that our Parliament, whenever it passes legislation, intends to fulfil its obligations under the Treaty. If the time should come when our Parliament deliberately passes an Act—with the intention of repudiating the Treaty or any provision in it—or intentionally of acting inconsistently with it—and says so in express terms—then I should have thought that it would be the duty of our courts to follow the statute of our Parliament."

That could not be clearer. According to that case and that of Garland *v.* British Rail Engineering, which were both House of Lords cases, and the case of the metric martyrs—Thoburn *v.* Sunderland city council—the only way we could exclude ourselves from the application of the law of the European Union, which would include this charter on the basis of the analysis of the European Scrutiny Committee and my own and many other legal authorities' assertions and judgments, would be by putting in a provision with the phrase:

> "Notwithstanding...the European Communities Act 1972".

I understand the problem that some people have with the fact that those words appear to invade the acquis communautaire, but I also know that we are committed to the idea of maintaining economic competitiveness, and we have statements to the effect that we will exclude ourselves, once again, from the provisions generally described as the social chapter or the social charter. The bottom line is that there are many provisions, including the working time directive, from which we would want to exclude the United Kingdom in our vital national interests.

It is important to bear in mind the fact that there is only one way of achieving this, on all the analyses that have ever been put forward with any serious purpose. In the famous Factortame case, we got stuck, in relation to the Merchant Shipping Act 1988, by not including the words:

> "Notwithstanding...the European Communities Act 1972".

As Lord Bridge said in his judgment, the British Government decided in 1972 that they would agree voluntarily to accept the arrangements for the European Union under sections 2 and 3 of the European Communities Act 1972, and therefore, because they had agreed to it voluntarily, unless and until they were either to repeal or amend it, it was for all practical purposes the duty of the senior court in the United Kingdom, the House of Lords, to strike down that Act. So in the pursuance of a European Union policy and a judgment of the European Court of Justice, they struck down an Act of Parliament that had been passed by this House. That is a very serious matter. If we and the Government were properly and truly united on not wanting the charter of fundamental rights to apply to the United Kingdom, we would have to apply the same formula in order to achieve it.

We have reached a very important moment. We have an opportunity to take the steps, without weasel words and by being direct, to sort this matter out as the Bill progresses. We have this stage now and a further stage to come, and the House of Lords in due course. However, there is a problem, which I do not want to exaggerate but just to mention. I hope that the European Scrutiny Committee in the House of Lords—I say this with great respect to some very eminent people—in no way ends up, in the report that is coming out quite soon, disagreeing with what the European Scrutiny Committee has said in the House of Commons. I could go into this at greater length, but my concerns are considerable. There is by convention in this House a doctrine of comity, and it would be a great shame if we were to find that a serious disagreement emerged on the application of the principle that I have just enunciated.

All the material dealt with by other Members in the earlier debate about the way in which the European Scrutiny Committee handled the matter so expertly boils down to this matter, which is why it is essential that we remove the application of the charter by the effective words in my new clause. The conclusion of the European Scrutiny report states:

> "It is clear that the Government accepts that the Charter will be legally binding, and it has stated that the Protocol is not an opt-out. Since the Protocol is to operate subject to the UK's obligations under the Treaties, it still seems"

we have been through this before—

> "doubtful to us that the Protocol has the effect that the courts of this country will not be bound by interpretations of measures of Union law given by the ECJ and based on the Charter. If the ECJ gives a ruling in a case arising outside the UK on a measure which also applies in the UK, the duty to interpret the measure in accordance with that ruling arises, not under the Charter, but under the UK's other Treaty obligations. Nothing in the Protocol appears to excuse the UK from this obligation."

[Mr. Cash]

The report goes on to say:

"In our view, the only way of ensuring that the Charter does not affect UK law in any way is to make clear, as we have already suggested, that the Protocol takes effect 'notwithstanding the Treaties or Union law generally'."

It then says that that has been done in the context of the acquisition of property in Denmark and in respect of the Irish constitution, but

"it has not been made in respect of the Charter."

The Government, therefore, stand condemned for not doing their job properly. In reality, the only way in which the Government can achieve their objectives of excluding this charter from the law of the United Kingdom is by adopting the wording in my new clause 6. It says, in a nutshell, that notwithstanding the European Communities Act 1972, nothing in the charter shall have effect in UK law, and it effectively also says that that provision should be binding on our judiciary. I say that because I believe absolutely and implicitly in this House. The only way we can deal with the essential question of maintaining its supremacy in relation to the charter, let alone the national obligations that would arise later, would be by doing what I suggest. As a final point, during the course of discussion, we may be able to find a means of wrapping up all my points on the way the treaty operates in relation to the UK. This is a hugely important issue. We are at a watershed—a point of no return. This is the Rubicon for the United Kingdom.

I have not quite made up my mind what I am going to do at this juncture. If I had the privilege of being able to move my new clause, I would do so. I am conscious of the fact that these are hugely important questions, and I look to those on my Front Bench to consider them because I have no faith in new clause 12. We may be able to come to some understanding about that in due course, but at this juncture the most important thing is that we retain the supremacy of this Parliament not only over national parliamentary matters and the Bill of Rights, but over the charter of fundamental rights. We should do something about that definitively during the course of these proceedings.

Jon Trickett (Hemsworth) (Lab): I follow the hon. Member for Stone (Mr. Cash) with some trepidation. I have sympathy with some of his points. He has made almost a lifetime's study of European institutions and I respect that amount of learning.

I do not agree with the hon. Gentlemen's reflections on the state of the national Parliament and the national Government. Decisions that affect the daily lives of our co-citizens cannot be controlled totally by a national Parliament, given the way in which economic and social powers are subject to global, certainly multinational, forces. With some reluctance but also realism, I accept that there must be a European transnational dimension to our politics. Without that, we cannot attempt to control the forces that are now at play, or prevent them from being further unleashed. Those forces can contribute to the general welfare of mankind if properly controlled, and for those reasons, one accepts that there must be transnational co-operation between Parliaments and Governments.

9.30 pm

Bob Spink: Does not the hon. Gentleman accept that 13 articles of the charter derive at least partly from interpretations of ECJ case law, which it establishes and can control in future? Does he believe that we should hand over to European institutions such as the ECJ that amount of control over law making in this country? Does he believe that his constituents want that?

Jon Trickett: If the hon. Gentleman has listened to any of the points I have made on previous days, he knows perfectly well that that is not my position. I shall deal with the ECJ shortly.

I have found the experience of our discussions on Europe frustrating because many of my hon. Friends and perhaps others want a proper debate about the way in which the labour market will be regulated and our response to the economic forces that are now at play and appear to escape democracy's power to control them. There is a sane Labour voice to be expressed and heard on that matter, but it has failed to be properly expressed and the Government have failed to respond to it.

As I said during our discussions on the programme motion, the Government tabled a series of debates on generic issues, which favour their slightly rose-tinted view of the treaty. I asked for—and I believed that I had been given an assurance—a proper debate. With no disrespect to you, Sir Alan, we have not yet secured it. I believe that that is down to the business managers. We therefore have to attempt obliquely to raise the issues that we want to discuss. We did so earlier today in the debate on human rights and now we are doing so through the amendments.

I want to consider amendment No. 203 briefly before reverting to the knotty problem of the ECJ. I shall tackle the latter by referring to the charter. It will be no surprise to anyone who has listened to my comments and those of my hon. Friends that I want to concentrate on chapter IV of the charter of fundamental rights. The Government are in an unusual, even extraordinary position of saying, on the one hand, that there is no opt-out—my hon. Friend the Minister for Europe said that in the previous debate when we exchanged ideas—and, on the other, claiming that, according to their interpretation, the charter will not extend to UK law. On the other hand, there is the anomalous position of title IV, which is entitled "Solidarity", but which for some reason a clause in the protocol says,

"for the avoidance of doubt",

will create no new justiciable rights in the United Kingdom beyond those Acts of Parliament that are already agreed or which will be agreed in future.

The phrase "for the avoidance of doubt" strikes me as anomalous, given that the Government's position is that there is no doubt about the rest of the charter. The charter is not meant to create any further justiciable rights in the United Kingdom beyond those enacted by Parliament. We have heard the Government say that on a number of occasions. If there was no doubt about that, why was it necessary to include the phrase "for the avoidance of doubt"? There must be some doubt about the rest. Having listened to comments by hon. Members from all parts of the House, I have some doubts about whether the rest of the charter could create additional justiciable rights.

However, I want to focus on title IV and the signal that it sends the European Court of Justice. We are in an anomalous position, whereby the rights contained in title IV have been distinguished, by the phrase to which I have referred, from all the other rights in the charter of fundamental rights. We have to ask why that clause was added to title IV. If that was not done simply to appease the business lobby, which was extremely vigorous and close to the former Prime Minister, one has to ask how title IV is substantially distinct from the other titles in the charter.

I suggest that the inclusion of that provision creates an asymmetry, because when the charter and its implications come to be analysed and judged upon by the European Court, it will frequently have to strike a balance among the various rights contained within the charter. In striking those balances, legal minds will obviously be brought into play, but it is hard to escape the conclusion that some extremely fine judgments will be made that will stray from the purely legal and into the political. Indeed, the ECJ has already strayed into that area in making political judgments—it is not for me to ask about the political control through which the legislative processes of the EU can exercise some influence upon the ECJ, save to say it seems to be extremely limited.

In striking a balance among the various rights contained in the charter as a whole, the Court might be minded to reflect on the fact that the United Kingdom and Polish Governments have chosen to point a finger at title IV, which contains a series of fundamental rights that I would have thought few in the House would deny, including the right of workers to collective representation and, if necessary, the right to take strike action. There are many others, too, which are there for everybody to see. When the ECJ makes judgments in industrial or other disputes, it will be somewhere in the minds of the justices that the UK and Polish Governments have pointed a finger directly at the rights under title IV and said that they are not the same as any of the others, since those Governments have taken the step of indicating that the rights under that title will not create any additional justiciable rights in their countries.

Why was that done? As has been said, when the then Prime Minister came to the House and mentioned all the other achievements that he had gained, many of which were very welcome, he totally omitted to mention title IV.

In subsequent debates in the House, including today's debate, the Government have failed to articulate any reason for title IV and all the rights contained in it to be treated differently from all the other rights in the charter. I asked the Secretary of State why that should be. He is currently collecting his papers: he is probably about to leave the Chamber very quickly, but that does not matter, because his reply is in *Hansard* for all to see. He said that the Under-Secretary of State for Justice, our hon. Friend the Member for Lewisham, East (Bridget Prentice), would give the explanation. I sat on the edge of my seat, as did my hon. Friends and, probably, Members in all parts of the Chamber. I listened very carefully to what was said by the Under-Secretary, but no explanation was forthcoming.

My hon. Friend the Minister for Europe, who is now in his place, told me that he would give an account of why the exemption was made, but when I asked him to summarise what he would say, he developed a very sound critique of amendment No. 203, tabled by me and signed by a number of my right hon. and hon. Friends. I must tell him that that is not what we are looking for. We are simple souls, and we want an explanation of why the Government decided to treat title IV and the articles therein differently from all the others. The ECJ has already created a legal precedent: it has already decided to prioritise some rights over others. My hon. Friends and I referred to them earlier.

The right of any EU company to establish itself anywhere in the EU is clearly one of the fundamental rights. It is in title II, as is the right of any company in the EU to provide services anywhere else in the EU. The ECJ has already determined that those two rights have priority over the rights of workers to collective representation. That was before the Government did what they did, but I can only imagine that what they have done will accelerate, exaggerate and possibly exacerbate any future decisions when the Court makes finely balanced and, I would argue, ultimately political judgments about the various rights in the treaty. That will often be at the expense of the ordinary people whom we seek to represent—increasingly so, because companies increasingly operate in a multinational framework.

I have looked carefully at the amendment which stands in my name and that of many of my colleagues—and which, incidentally, is supported by every trade union affiliated to our distinguished party—and I have no doubt that the issues I have raised resonate far beyond this place. Certainly they will affect the Minister's constituency and his constituents as much as mine. Having looked carefully at the amendment, however, I do not think it achieves exactly what I wanted to achieve. I have discussed the matter with colleagues, and when the time is appropriate I shall not press the amendment to a vote. However, I hope that the Minister will be able finally to unlock the secret closet containing the notes that explain the curious and anomalous situation in which we now find ourselves.

Mr. Redwood: Tonight's debate, like many of these debates, is about where power should rest. It is about democracy itself, especially in the context of the excellent amendment tabled by my hon. Friend the Member for Stone (Mr. Cash). I should like the amendment to go a little further, because I should like to see the sovereignty of a Parliament clearly reaffirmed and re-established in the laws that we enact when trying to tackle this rather difficult and refractory treaty.

This Parliament made itself great over many centuries because campaigners of all parties and of none—Whig and Tory, Labour and Liberal and Conservative—came together so often to assert the right of elected representatives in this House of Commons to make the laws and take the right decisions, and to face their electors in turn on the hustings so that their work could be adjudged good or bad and the necessary decisions could be made about the futures of MPs individually and of Governments who had exercised the powers of this House.

9.45 pm

There have been two great movements. There has been a great movement over many decades to ensure that we reach the point where all adults have the precious advantage of the vote, so that they can choose those elected representatives and decide whether to remove them when they fail to do their jobs in the imagined way. The other great movement was to ensure that the powers were in this Chamber and in Parliament as a whole, so that here the laws could be chosen, here they could be amended, and here they could be struck down. What the Government are asking us to do tonight is suspend that right, in perpetuity perhaps, and certainly for a very long time—there is no fixed time for this treaty—so that in future such decisions may in many areas be made by unelected people in a European court. They may, as far as the British people are concerned, in future be made by unelected people sitting in Council chambers, often meeting in private and reaching decisions in private.

Ms Hewitt: I am following the right hon. Gentleman's points with great care, but I am puzzled that he seems to ignore the fact that, ever since this country joined what was then the Common Market all those years ago, there has been primacy of European Union law as decided by the collective institutions of the EU and as interpreted by the European Court. The point he is making is simply an argument for the United Kingdom to withdraw from the EU. That is a perfectly respectable point of view, although I profoundly disagree with it. Is that what he is asking this House to decide, and is that the official policy of the Opposition?

Mr. Redwood: The right hon. Lady is a little cleverer than that: she knows that that is not the official position of the Opposition party, and nor is it the case that I happen to be making at present. Her history is wrong, of course: we did not give all those powers away at the beginning when we joined something called the Common Market in common parlance, or the European Economic Community as set out in the original treaty. That was not the deal offered to the British people when they last had a vote on this issue in 1975. It so happens that I voted "no". I have always since accepted the verdict of the British people. I am sure that they voted for a common market, and that is what I would like them to have. They voted for co-operation and collaboration while our country retained its veto. What I dislike about the deal under discussion—the clauses before us tonight highlight this—is that our veto has been given away needlessly, when the Government had the veto to veto surrendering the veto; the Government just had to say "no", and they would not have had so many law-making powers brought in by the back door by this treaty and this proposed legislation.

I, like my party, say that this deal is many steps too far—it gives away far too much of the power rightly accumulated by Parliament over the centuries to do good for the British people and to respond to their will and their wishes. The right hon. Lady has in a previous intervention in our debates today come up with a clever argument. She says that the magic of this particular block of work is that at last the EU will have to submit itself to the human rights Court and the human rights convention that many states in Europe have signed. What she omits, however, to tell the House in that very partial interpretation is that that in no way detracts from the power of the European Court of Justice to keep on advancing its power at the expense of the British people and their elected representatives in this Parliament assembled.

Mr. Peter Bone (Wellingborough) (Con): The logic of the argument we have heard from the Labour Benches is as follows: as we have given some power away already, we might as well give the rest of the power away. Does my right hon. Friend agree that that is the Government's position?

Mr. Redwood: That is clearly the Government's position. They have shown total surrender in the negotiations over the treaty as a whole. The Government have told us again tonight that they wish the large number of principles and rights set out in the document before us to be adopted as part of our law code. Worse still, they will accept not one but two European Courts standing in judgment over us. Like my hon. Friend the Member for Stone (Mr. Cash), I am more worried about the European Court of Justice, because it has a long tradition of furthering a federal agenda. In case after case that Court is determining that there should be more power for law-making and decision in the European Union and less in the member states.

Mr. Gerald Howarth (Aldershot) (Con): Is that not why this House and the British people should approach this treaty with the greatest scepticism? They will recall the European Communities (Amendment) Act 1986, which I voted against. Our right hon. and noble Friend Baroness Thatcher was assured that employment and the social contract would be outside the ECJ's remit, but the ECJ took that area into its own power. Therefore, we should resist any Government attempt to hoodwink the British people into thinking that we should accept these assurances.

Mr. Redwood: That is exactly right. The facts are stark. This Government have surrendered 10 times more vetoes than previous Governments. Some of us had reservations about surrendering some of those other vetoes, but they were at least surrendered in furtherance of the Common Market, for which people had voted in a referendum. That was why Baroness Thatcher decided to make those modest surrenders of power in the 1980s. Since then, this Government have given away massive rights, duties and powers that have nothing to do with the Common Market for which the British people voted.

Mike Gapes: Surely the right hon. Gentleman cannot believe that the modest changes in this treaty or in the Amsterdam and Nice treaties are comparable with the massive expansion of European competence in Baroness Thatcher's Single European Act?

Mr. Redwood: I suggest that the hon. Gentleman tries reading the different treaties. The Single European Act was, as its name describes, about market measures to try to promote a common market. I believe that a common market is created by having buyers and sellers and does not need nearly as much law as the European Union

subsequently developed. The SEA was a very narrow area of work compared with a common foreign policy, a common army, a common defence policy, a common criminal justice policy, a common immigration policy, a president of Europe and a much-expanded Parliament, all of which have come under this Government's watch.

At each point, the Government have claimed that they were not giving any real power away, that we would not notice the difference, that they had protected our interest and that the famous red lines were in place. We have heard all that nonsense, but we can see from the huge amount of work embedded in this revised treaty that massive powers were surrendered at Nice and Amsterdam, and that such a surrender is being proposed tonight in this crucial area of fundamental human rights.

We have been told by some Opposition and Labour Members that we do not value human rights or the very good principles embodied in parts of this text—but of course we value those things. We fight, and our predecessors fought, for those rights for the British people just as surely as the Labour party has often done in the past. We believe that those rights are best expressed in British law, in the English language and in a way that is answerable to the British people. We believe they have to stay like that, so that the British people can, through their elected representatives, change, amend and improve them as circumstances and time require.

This treaty is an inflexible, unaccountable and thoroughly undemocratic way of legislating. We are being asked to embody at one point in the long evolution of our national and European history, a set of principles that might make sense to some people now, but which are going to be extremely difficult to change. It will be impossible to change them in a democratic way in this Parliament, because the agreement of so many of other member states will be needed, as will a treaty amendment. As we can see, such an amendment is a complicated and difficult process.

We must amend these clauses and retain these powers that the Government wish to give away. We must restore the position that this Parliament makes these crucial decisions, so that we answer to our electors. We should live or die as politicians by how well we do and by whether we answer to our electors in the correct way.

Mr. Mark Francois (Rayleigh) (Con): It is a pleasure to follow my right hon. Friend the Member for Wokingham (Mr. Redwood) and I also congratulate my hon. Friend the Member for Stone (Mr. Cash) on introducing the debate and speaking so knowledgeably on the topic. As I have five minutes to speak, I hope that they will forgive me for concentrating on amendments Nos. 217, 228 and 229.

Amendment No. 217 would strike the charter of fundamental rights out of the treaty. I remind Labour Members that that would be in accordance with the Government's policy until a few years ago. Tony Blair told the House after the Nice treaty was agreed:

"Our case is that it should not have legal status, and we do not intend it to. We will have to fight that case."—[*Official Report*, 11 December 2000; Vol. 359, c. 354.]

The Government have now given up on that fight, and that was a mistake. As the European Scrutiny Committee has explained in its reports, the Government's vaunted protocol would not stop the charter coming in through the back door as the European Court of Justice applies it to cases that come before it from other EU member states, with judgments that then become binding precedents for the whole EU, the United Kingdom included.

The right hon. Member for Leicester, East (Keith Vaz), in his glory days as the Minister for Europe, famously said that

"people will be able to bring it"

the charter—

"up in the European Court of Justice just as if it was the Beano if they like. Nobody will be able to litigate with it".

He failed to foresee that the Government's policy would evolve into the complete opposite of that position.

Indeed, history teaches us that the more vehemently Ministers state their position, the likelier it is that the Government are about to undertake a U-turn. For example, the right hon. Member for Neath (Mr. Hain), as the Government's lead negotiator on the EU constitution, asserted that

"there are real legal and practical problems linked to incorporation"

of the charter into the constitution—

"which might lead to the European Court overturning UK law. There is absolutely no possibility of us agreeing to this".

When he said that, it should have been a sign that in time the Government were set to do exactly that.

Paragraph 1 of new article 6 of the treaty would give the charter full legal force as it would have

"the same legal value as the Treaties".

The rights listed in the charter cover everything from asylum to data protection to the right not to be tried twice for the same offence. Much of it, as a general statement of the kind of rights people ought to enjoy, is motherhood and apple pie. However, there is a world of legal difference between a general statement of political goals and a legally binding text. As I have said, the European Court of Justice would apply the charter to cases that come before it, and that would allow it a far wider degree of discretion in its judgments, in effect leading to yet more judge-made law. That is why the Government rightly spent so long opposing giving the charter legal force, and that is why those who are federally inclined see the charter as so important.

Talking of the federally inclined, I turn to the subject of the Liberal Democrats. The Liberal Democrat MEP Andrew Duff, with whose views I strongly disagree but whose expertise on these matters I respect, has said that the charter

"is part of the process of federalising the EU. The consequence of the Charter installing a fundamental rights regime within the treaties is part of the federalising process, and I think everyone apart from the Brits seems to be quite clear about that."

As Mr. Duff is the Liberal Democrat spokesman on constitutional affairs in the European Parliament, we must presume that that comment represents the official position of the Liberal Democrats. I am pleased, therefore, to put that on the record tonight.

[Mr. Mark Francois]

The Government pray in aid their protocol, but as I said earlier, the European Scrutiny Committee has said that it is doubtful that the protocol will in the end stop EU judges enforcing the charter on cases that come to it from Britain. Amendment No. 228 is intended to remedy that failure by limiting the charter's application, in other words to stop it coming in through the back door. If the opportunity arises, I wish to divide the House on that amendment.

For years, the Government opposed the suggestion that the charter should have any legal force. Then they admitted that it would have legal force, but Tony Blair assured us that we would have an opt-out. Then, under pressure, the Government admitted that they did not have an opt-out, only a clarification. Now, incredibly, Ministers are claiming that they never actually asked for an opt-out at all. The Government are, frankly, all over the place on this issue, yet the liberties of the British people are at stake. They should be honest with the people and with the House, and should not seek to press this matter. If they do, we will gladly vote against them.

The Minister for Europe (Mr. Jim Murphy): I am delighted to have the opportunity to respond to this evening's debate, albeit relatively briefly. I think that we have had a fascinating debate earlier this afternoon and on the amendments before us now.

10 pm

We have had the chance to hear from my hon. Friend the Member for Hemsworth (Jon Trickett), and I will seek to find the key to unlock the hidden door a little later in my comments. We also heard from my hon. Friend the Member for Wolverhampton, South-West (Rob Marris) and my right hon. Friend the Member for Leicester, West (Ms Hewitt), who have been assiduous in their attendance and intervention in our proceedings on each and every day on which we have considered the Bill.

We also heard from, among others, the hon. Member for Rayleigh (Mr. Francois), with whom I am enjoying our daily—or nightly—debates. He made a good case in arguing for his amendments in his own terms, but what was missing from his comments was any discussion of what a Conservative Government would do. Once again, he has remained silent on the social chapter. He had the opportunity to put his views on the record, but he chose not to do so. His silence on withdrawal from the social chapter speaks volumes. Of course, he could intervene now to put the record straight. The hon. Gentleman also refused to say whether, in the event of a Conservative victory, a Conservative Government would seek to renegotiate the treaty and remove the charter from it—

Mr. Francois *rose—*

Mr. Murphy: I happily give way to the hon. Gentleman; I look forward to hearing what he has to say on the social chapter as well.

Mr. Francois: Very briefly, the Minister has been repeatedly asked by his own Back Benchers this evening to give answers on social policy, so will he satisfy them by providing an answer?

Mr. Murphy: Simply refusing to respond to such points is not an approach that will get us through the rest of Committee proceedings.

We also heard a wide-ranging and passionate speech by the hon. Member for Stone (Mr. Cash), who spoke from his great experience on Europe gained over many decades. He also referred to the experience of 1848, and spoke passionately about the Soviet era. Let me gently say to him that he has always reminded me of a Conservative version of Leon Trotsky, a man of whom it was often said that he was so far-sighted in his predictions that none of them had yet come true. On Europe, that is indeed the case—*[Interruption.]* I happily give way.

Mr. Cash: There is also a very famous poet by the name of T. S. Eliot who said:

"Human kind
Cannot bear very much reality."

That is also the problem of the Minister.

Mr. Murphy: I would not wish to test your patience too much, Sir Alan, but it is absolutely certain that the hon. Gentleman will not be and would not be allowed to be airbrushed out of history in the way that others have in the past.

On amendment No. 84, the Government are clearly committed to the protection of human rights both in the EU and by the EU, but what is proposed would undermine that commitment. Removing the charter of fundamental rights from the scope of the Bill would not undermine the rights and principles as they already exist as a result of the European Court of Human Rights, the EU treaties, European Court of Justice case law or the traditions common to all member states. The principle that fundamental rights form part of Community law and apply to states when implementing that law is long established and reflects ECJ case law dating from 1970.

References to fundamental rights in the treaties are not new. The first reference to fundamental rights appeared in the preamble to the Single European Act, which the former Chancellor, the right hon. and learned Member for Rushcliffe (Mr. Clarke), previously described as the single greatest transfer of sovereignty in this nation's history. That Single European Act provided that member states would

"work together to promote democracy on the basis of...fundamental rights recognised in the laws and constitutions of the Member States, in the ECHR and the European Social Charter".

The Maastricht treaty included the first explicit reference to fundamental rights in the text of the treaties. That reference became article 6(2) of the treaty on European Union.

Removing the charter from the scope of the Bill would prevent UK citizens from using the charter as an accessible record of the rights that they enjoy as EU citizens, and which the citizens of all other member states would enjoy. The rights and principles in the charter are not new; it records rights, rather than creates them.

Mr. Redwood: The Minister is now getting to something interesting. Is he not ashamed that there is so little time because of the ridiculous guillotine motion? Many Members cannot tease out these important points and have a proper debate on them. Will he give us more time?

Mr. Murphy: That does not fall within the scope of the amendment. The matter has already been resolved by the House.

Mr. Bone: Will the Minister give way?

Mr. Murphy: Not at the moment; I shall make some progress.

If the charter were removed from the scope of the Bill, someone in Ireland, France or any other member state would look to the charter as an accessible statement of their rights, while a UK citizen would have to trawl through a plethora of treaties, judgments, cases and agreements. Surely that would be an absurd position for us to place our citizens in.

Mr. Clappison: Will the Minister give way?

Mr. Murphy: Of course.

Mr. Bone: Oh!

Mr. Murphy: I will give way to the hon. Member for Hertsmere (Mr. Clappison). Then, if the hon. Member for Wellingborough (Mr. Bone) is willing to be brief, I shall happily give way to him.

Mr. Clappison: Is not the Minister advocating a recipe for frustration? When the UK citizen has gone through the rights, he will find that under the Government's protocol he is unable to rely on them.

Mr. Murphy: We have made it clear that the charter does not create new rights, but simply records existing rights. It is an amalgamation of existing rights from different sources.

Mr. Bone: I am grateful to the Minister for giving way, as our time is limited because of what the Government have done. At the beginning of our proceedings on the Bill, the Minister said that he would be flexible. Will he be flexible about tomorrow's debate?

Mr. Murphy: That is a matter for the usual channels. I will look forward to tomorrow's debate to see how that is resolved.

Let me turn briefly to amendment No. 203. I agree with my hon. Friend the Member for Hemsworth that over the past seven years the conversation about Europe has been trapped in a vocabulary about red lines and protocol. We have often missed the human and social dimension of what it means to be British and European.

Across the European Union, 92 million citizens are economically inactive. That is the big economic and social challenge facing Europe today. As we pay such close attention to the treaty of Lisbon, we must also pay increasing attention to the agenda of Lisbon: providing jobs, restarting social mobility across the EU and moving increasing numbers of those 92 million people into work. Once we have resolved the treaties, red lines, protocols and all those issues, we must have a detailed, thorough discussion about the dynamic of what it means to be involved in a social Europe.

If we had sought on purpose to design a system over the past seven years that would disconnect the citizens of Europe from European structures, we could not have done a better job than we have. We did not choose to go through that process, but we have gone through it. The disconnection has undermined contemporary consent for what Europe can seek to achieve and the great deal of good that it can do on the international stage.

I accept the point made by my hon. Friend the Member for Hemsworth about the concerns of the trade union movement, which are regularly put to me and others. We have agreed with the TUC and others to continue the dialogue about the specific UK social dimension of Europe. That dialogue is only just beginning. We look forward to being involved in that with my hon. Friend and with other hon. Friends.

Mr. Denis MacShane (Rotherham) (Lab): Arguments and debates about the treaty, the charter of fundamental rights and the direction of Europe are swirling around between parties and countries, but is not the real problem on Europe, and the real tragedy, that we have the only mainstream centre-right party in Europe that refuses to connect or debate and talks only the language of withdrawal?

Mr. Murphy: My right hon. Friend is absolutely correct.

Mr. Cash: Will the Minister give way?

Mr. Murphy: The hon. Gentleman will be allowed three or four minutes at the end to make his points. I hope that he accepts that that is a fair division of the limited time that we have left, and I shall make sure that I allow him that time.

Amendment No. 125 would remove the provision that the EU should aim to combat discrimination when it acts. Article 2 does not give the EU any new powers to legislate, but it complements the current specific powers of the Council, introduced at Amsterdam, to legislate to combat

"discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation."

If we were to accept the amendment, all that would be left of anti-discrimination measures would be article 8, which promotes equality between men and women only. That is important, but amendment No. 125 would remove all the efforts to combat discrimination that I set out a moment ago. That is a ridiculous and reactionary attitude to Europe, and the Government want nothing to do with it.

Amendment 129 would remove a simple restatement of the specific citizenship rights accorded to nationals of EU member states that have been part of the treaty since Maastricht. Opposition Members are resiling from that treaty in ever increasing numbers, but the treaty under consideration tonight would not affect the specific articles on the rights of citizens. I therefore encourage the hon. Member for Stone to ask leave to withdraw the amendment.

I wish to allow the hon. Member for Stone time to sum up his arguments. He claimed that things were moving in the right direction for Conservative party policy on Europe, but as my right hon. Friend the Member for Rotherham (Mr. MacShane) noted, the Opposition are more obsessed about, and more isolated in, Europe than at any time in their history. If we were to accept the Opposition amendments, the direction in which we were moving would be towards the EU's exit door.

Mr. Cash: In the concluding moments of the debate, I should like to say that the Conservative party is completely united on these matters—*[Interruption.]* I listened to the speeches from the Government Back Benches—they were extremely well delivered—and I was struck by how divided Labour Members are in comparison with us. We insist on democracy and on the right of this country's voters rather than the right of the ECJ to make decisions. That remains paramount, and we shall pursue our proposals. Although I shall not press amendment No. 84 to a vote, I shall seek to vote on amendment No. 228.

Finally, Sir Francis Jacobs, a member of the ECJ, made a seminal speech about the interaction between the European convention and the charter. He said that the rights in the treaty were said to be based on the rights guaranteed on the convention, but that there were intriguing differences of wording. He also said that the treaty's scope was considerably wider than the rights protected in the European convention.

The reality is that there is overlap between the treaty and the convention. They are different, and new rights are being proposed. The Government stand condemned for what they have said today.

The Chairman of Ways and Means (Sir Alan Haselhurst): Do I understand that the hon. Gentleman wishes to seek leave to withdraw amendment No. 84?

Mr. Cash: I thought that I said so, Sir Alan. In the circumstances, the answer is yes.

The Chairman: It is customary to use those as the last words in these circumstances. I take it that they are the hon. Gentleman's last words?

Mr. Cash: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: No. 228, page 1, line 12, after 'excluding', insert—

> '(i) the Protocol on the Application of the Charter of Fundamental Rights of the European Union to Poland and the United Kingdom—
>
> (a) Preamble, tenth paragraph stating that references in the Protocol to the operation of specific provisions of the Charter are strictly without prejudice to the operation of other provisions of the Charter; and
>
> (b) Preamble, twelfth paragraph stating that the Protocol is without prejudice to other obligations devolving upon Poland and the United Kingdom under the Treaty on European Union, the Treaty on the Functioning of the European Union, and Union law generally; and (ii) '—*[Mr. Francois.]*

Question put, That the amendment be made:—

The Committee proceeded to a Division.

The Chairman: I ask the Serjeant at Arms to investigate the delay in the Aye Lobby.

The Committee having divided: Ayes 168, Noes 357.

Division No. 72] **[10.15 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duncan, Alan
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Rosindell, Andrew
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Dr. Richard
Tredinnick, David
Tyrie, Mr. Andrew

Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Young, rh Sir George

Tellers for the Ayes:
James Duddridge and Jeremy Wright

NOES

Abbott, Ms Diane
Ainger, Nick
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baker, Norman
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bruce, rh Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Burstow, Mr. Paul
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Ronnie
Carmichael, Mr. Alistair
Caton, Mr. Martin
Cawsey, Mr. Ian
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davey, Mr. Edward
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Etherington, Bill
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Ilsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Alan
Keen, Ann
Keetch, Mr. Paul
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Mr. Charles
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James

Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Matthew
Teather, Sarah
Thomas, Mr. Gareth
Thurso, John
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Mr. Neil
Twigg, Derek
Vaz, rh Keith
Vis, Dr. Rudi
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wishart, Pete
Wood, Mike
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek

Tellers for the Noes:
Mr. Wayne David and Mr. Michael Foster

Question accordingly negatived.

To report progress and ask leave to sit again. —*[Mr. Roy.]*

Committee report progress; to sit again tomorrow.

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): On a point of order, Mr. Deputy Speaker. Earlier this evening, on a point of order, the right hon. Member for Maidenhead (Mrs. May) intervened in the debate on the European Union treaty to claim that, in December, I had held a meeting in my Department to discuss press inquiries about the meetings between my hon. Friend the Member for Tooting (Mr. Khan) and Babar Ahmed in Woodhill prison. That is not correct. I was aware, in December, of press inquiries from a newspaper concerning visits by my hon. Friend the Member for Tooting to Babar Ahmed, but at no stage before last Saturday was I aware of any information that the press inquiries concerned any covert recording or anything like that. I confirm what I told the House. There are of course a wide range of other questions about this matter. That is the purpose of the inquiry that I announced to this House yesterday, when I also said that a statement would be made to the House once the report of the inquiry had been received and considered.

Several hon. Members *rose*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. There cannot be further points of order. The right hon. Gentleman asked leave to raise a point of order in response to one raised earlier by the right hon. Member for Maidenhead (Mrs. May). If this matter were to go any further, it would become a statement upon which there could be wider questions. I do not believe that it is for the convenience of the House that that be done now. These matters can be pursued on another occasion.

Mrs. Theresa May (Maidenhead) (Con) *rose*—

Mr. Deputy Speaker: Order. I have said that there should be no further points of order. May I ask all hon. Members who are not staying for the debate on local government in Wiltshire to leave the Chamber as quickly and quietly as possible? There should be no disturbing conversations.

Local Government

10.32 pm

The Minister for Local Government (John Healey): I beg to move,

That the draft Wiltshire (Structural Change) Order 2008, which was laid before this House on 8th January, be approved.

We are tonight considering the draft order for the establishment of the new unitary Wiltshire council. The order implements the unitary proposal that Wiltshire county council itself has made. This is a proposal that the democratically elected, democratically led and locally accountable council has drawn up. It is a proposal on which the council sought the views of local people and the agencies that it deals with in the area, and one that the council has chosen to put forward to the Secretary of State as the form of local governance that best meets the needs of Wiltshire today.

Mr. Michael Ancram (Devizes) (Con): The Minister has just made an assertion that the county council consulted local people. Will he give us an indication of how that consultation took place? Local people do not believe that they were consulted at all.

John Healey: When we launched the process in October 2006, we made it clear that whether councils submitted proposals was a matter for them. Having been clear about the five criteria that we would use to test any proposal, we rightly left it to the councils to decide how best to seek the views in their local areas. That is what Wiltshire county council and other councils that submitted proposals did. The important and distinctive—

Robert Neill (Bromley and Chislehurst) (Con) *rose*—

John Healey: May I finish this sentence? The distinctive and different thing about this process is that, unlike previous restructurings of local government, it is not prescribed from the centre, nor was its blueprint drawn up or designed from the centre. I say again that the starting point for the order before us was a proposal prepared and submitted by Wiltshire county council because it believes that it represents the best form of governance for the county in the future.

Robert Neill: I want to press the point about consultation a little: after all, this is the first of a number of such orders that we must consider, and a principle is involved. As the five criteria are described conjunctively—the word "and" is used, so we must assume that all five must be satisfied—what, if any, minimum evidential standard is there for any authority in such a position to demonstrate that the criterion of commanding broad support is met in respect of the public and stakeholders?

John Healey: The question of broad support is a judgment that we made on the evidence submitted to us. Originally, for each of the 16 proposals—some of which we did not believe met the criteria—the question was not whether there was a majority of this or that set of views in favour or not. The purpose of the criterion was to allow us to come to a judgment about whether we could be reasonably confident that, should the proposal go ahead, there would be sufficiently broad support for it to be successful. That was the essence of the criterion of broad support—and, indeed, of the other criteria.

Dr. Andrew Murrison (Westbury) (Con): Has the Minister taken any account of the MORI poll conducted among Wiltshire residents in 2006? I suspect not, as there is no reference to it in his summary of consultations published in November last year. Does he not think that he should have taken account of that fairly objective assessment of opinion in Wiltshire?

John Healey: There was indeed a MORI survey—it was an opinion survey, not a poll. That was an element of the evidence and information that we took, and to which we had regard, to come to a judgment about the level of support. Some thought it important and placed great store by it, but others had concerns about the nature of the supporting information and the nature of the questions asked.

From memory, what was clear was that 78 per cent. of those who responded in that particular sample wanted the councils to work much more closely together; they clearly saw the weaknesses that often exist in two-tier areas. The balance of opinion in respect of a unitary Wiltshire was about 62 per cent. against and 30 per cent. in favour. However, in the end it was an opinion survey—an element of the evidence that we took into account when we considered whether support was sufficiently broad for us to be confident that, were we to move ahead with the proposal, we could make it work.

Mr. Ancram: I have a factual question, to which I hope the Minister can give me a factual answer. He will remember that a paper called "Invitation to all councils in England to submit proposals for unitary status" was sent out. Paragraph 3.5 of that original document states:

"it will be necessary for any proposal to have support from a range of key partners, stakeholders and service users/citizens."

When the results were published, the words "service users/citizens" had disappeared. Furthermore, the notes provided by the Minister's Department for this debate refer to the invitation process and say that one of the criteria was supported by

"a broad cross section of partners and stakeholders".

Once again, the citizens have disappeared. Why did they disappear when he realised that they were going to vote against him?

John Healey: The citizens did not disappear. Our approach was to look at the range of support that might be expressed for the proposal that was submitted by Wiltshire. There was indeed a response from the public, the majority of it in campaign form. That was part of the representations that we took into account, and we published the summary of responses back in July. There were probably more people in favour of maintaining district councils and not moving to a unitary council than there were in favour of a unitary council. Nevertheless, about a third of the public who offered a view could see the merit of a unitary Wiltshire and would like that to happen.

[John Healey]

Let me return to a point that I made earlier. The question about broad support did not relate simply to whether there was a majority view in favour—that was not the judgment that we were trying to come to. We were trying to assess the strength, credibility and potential value of a proposal that the council itself submitted to us in response to the invitation that we issued more generally.

Simon Hughes (North Southwark and Bermondsey) (LD): I have listened carefully to what the Minister has said about assessing opinion. Can he tell us, so that it is on the record, whether, on balance, the view represented to him as collected by the county council and the four affected district councils was clearly in favour of or against the proposition? Can he also put on the record whether the Government took any steps to authenticate that view so as to form any view of their own on the balance of opinion of the residents and council tax payers of Wiltshire?

John Healey: I am grateful to the hon. Gentleman for taking such an interest in what has been going on in Wiltshire. I said a moment ago that it was a matter for the proposing local authority how it chose to seek views and to represent them as part of its proposal. To answer his question directly, we as a Government Department did not undertake any direct opinion polling or checking of residents' views on the proposal. It was never our intention to do so, and I do not think that anyone believed that we would.

Dr. Murrison: The Minister appears to be waving this off as if the Government are not supposed to be taking any view on it and are just blithely accepting the say-so of the county council, yet they set the criteria against which these applications should be judged, and clearly criterion No. 2 falls almost by his own admission. He cannot wash his hands of this. At the end of the day, he is making the decision and, needs to be responsible for it.

John Healey: I am not quite sure what point the hon. Gentleman is trying to make. I have clearly stated that from the outset of this process we had five tests that we required any proposal to meet and to pass. Wiltshire's proposal was one of those that we received. We gave an indication of that in March and confirmed it in July. One of the tests involved a broad range of support sufficient to give us the confidence that were we to give this the go-ahead it would have a reasonable chance of succeeding.

Robert Neill: I am sorry to trouble the Minister again, and I am grateful to him for his patience in giving way, but this is an important principle and it will recur. As five criteria are proposed, can he give us an indication of on whom the onus of meeting those criteria rests? Secondly, what are the criteria for saying whether or not the test is passed? Are the same criteria used in relation to every such proposal, or do they vary? What standard must be met by a proposing authority to show that its proposal passes the test?

John Healey: I have been getting used to the hon. Gentleman in the short time he has been in his shadow role. He brings a lawyerly turn of phrase to the debate. The criteria were set as a test that would help us and others come to a judgment about whether the proposal could succeed, whether it has a reasonable chance of doing so and whether we should give it the go-ahead. The extent and the nature of the evidence that any proposing authority submitted in order to meet those tests clearly varied. Some failed; others that passed would have gone about their task by meeting those five tests and demonstrating that they could meet them in different ways, and they did so.

With the exception of some of the financial analysis that we did, where it was possible to subject numbers to a test, a matter of judgment was inevitably involved. That is the judgment that my right hon. Friend the Secretary of State and I, as elected politicians charged with this job, made. We made that judgment on the back of consistent evidence, clearly set out in published criteria, and we made it in a process that gave all interested parties, particularly councils, ample opportunity to submit their views, to know the views of those arguing for an alternative, and to offer a counter-argument or counter-evidence if they wished to do so. We weighed all that together with any other representations that we received during the process in coming to our final decision.

Mr. David Drew (Stroud) (Lab/Co-op): I presume that there is some underpinning evidence that unitary authorities perform better than two-tier systems. As someone who has always felt that two-tier systems—in my case, three-tier—are completely misunderstood by the general public, I do not see why the Government do not realise that there is a need for consistency throughout the country. They should encourage all areas to seek sensible and rational provision of local government. Then we would not need debates like this because there would be clarity, which I am sure the general public would welcome.

John Healey: My hon. Friend is right, and because he follows such matters closely he will be able to track this back not just to the invitation we issued in October 2006, which reflected our belief that unitary local government was a way of removing many of the weaknesses he mentions in two-tier areas, but to the White Paper that we published on local government, which set out clearly the general case for unitary local government. He is right about the weaknesses: people are often confused about what different councils at different levels do. Often, services can be fragmented, leadership can be in competition and confused, and there is a degree of duplication, inefficiency and a lack of co-ordination.

Mr. Drew: Come to Gloucestershire.

John Healey: My hon. Friend no doubt speaks from his own experience. Our approach has been set out for some time, and it was reflected in the invitation to those authorities that wanted unitary status.

Before I move on, two or three Members have said, "The county council submitted the proposal. Surely you didn't just take the evidence that the county council submitted to support its proposal."

The answer is that of course we did not. That is why we invited a wide range of consultees to give their views, especially about the way in which the county council's proposal stood up to the criteria that we established.

Despite what the right hon. and learned Member for Devizes (Mr. Ancram) said earlier, paragraph 5.10 of the consultation did not include the question of citizens. It dealt with the broad range of support that we sought and made it clear that it was up to each proposing council to consult local people when they felt that that was an important part of their case.

Mr. James Gray (North Wiltshire) (Con): I intervene diffidently because I am halfway towards supporting the Minister's position and I perhaps take a different view from my Wiltshire colleagues on the subject. I am puzzled by one part of his argument. If he wants to show that the people of Wiltshire, as demonstrated by any body, are strongly in favour of the proposal, will he explain why the MORI poll showed that approximately 71 per cent. opposed it? All four district councils also opposed it. If someone supported it, will the Minister oblige the House by identifying them?

John Healey: There was wide support from business in the area. The association of local councils expressed a range of support, as well as concerns, and that also applies to the parish councils.

Dr. Murrison: Will the Minister clarify that? I happen to be president of the Wiltshire association of local councils and I do not believe that that body has said any such thing. Perhaps he will be a little clearer.

John Healey: I thought that I had been clear. A range of views was expressed—some were supportive and others were concerned. Several important agencies and bodies, with which the council needs to work increasingly closely in developing and providing better services, were strongly in favour of a county council because they perceived the ability to work closely with the local authority as more likely in those circumstances.

Robert Key (Salisbury) (Con): Annexe B of the Department's impact assessment lists 53 organisations, which are described as "stakeholders" and were consulted. They include Sport England, the Highways Agency and the Audit Commission. In its victorious proclamation that it would go ahead, Wiltshire county council listed only the primary care trust and the chambers of commerce as in favour. In other words, 51 organisations did not agree.

John Healey: If the hon. Gentleman wants more detail, I shall provide it later.

I have dealt at some length with hon. Members' questions about support and I want to move on because it is important to explain one or two points in setting the scene, not least the contents of the order, what staff who may be affected can expect and the financial case.

We made the decision that we wanted Wiltshire county council's proposal to go ahead with reference to the five criteria that we set out at the start. We also had to consider not only whether there was a sufficiently broad cross-section of support that could make the proposal work but whether the change was affordable.

Our judgment, as I told the House on 5 December, is that if the proposal in the order is implemented, there is a reasonable likelihood that it will achieve the outcome specified by the five criteria. In short, our clear judgment is that the proposal meets all the criteria. On affordability, first, the estimated transitional costs are more than offset by the savings that the proposal is estimated to generate, which can be expected to be achieved well within the five-year limit that we imposed at the outset. Secondly, implementation does not involve any capitalisation to deal with revenue costs. Thirdly, implementation does not impose any costs that would have to be met by increasing the council tax. Fourthly, to the extent that in any one year the costs of transition are not covered by savings, they will be met by councils' reserves, which are adequate.

We subjected the figures that the councils provided to independent financial advice, in order to assess both what the county council was telling us and, in light of what I said earlier, the flaws that others felt were present in those figures. On the basis of those figures, the advice that we were given by independent financial experts suggested both that the council's figures and the expectation that the proposal might lead to savings of more than £18 million a year were sound and that the overall financial case was a low-risk one that imposed no barrier to proceeding.

Robert Neill: I am grateful to the Minister for giving way again. I want to raise a point that is not unique to the situation that we are debating. As far as I can see, no account is taken in the assumptions from the county council of any potential loss of grant. All local authorities receive £325,000 by way of grant for the costs of being in business. There are currently five local authorities in Wiltshire that receive such grant. What assurances can the Minister give that there will not be just one payment of £325,000 for the costs of being in business when we move to one council in Wiltshire? On the face of it, there appears to be a risk that we will lose those four elements of grant, which go to the existing authorities. Is there to be a different level of grant? That does not appear to be permissible under the rules, so how is it to be achieved and how will that shortfall be made up?

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. Interventions need to be short if some hon. Members from Wiltshire are to be heard.

John Healey: I will take your advice to the House as applying to my responses, too, Mr. Deputy Speaker. I apologise if I am going on, but I am trying to answer questions as they are put to me.

We consulted on the issue of grant and the allocation of resources to the authorities last year, in preparation for the financial settlement. If the hon. Member for Bromley and Chislehurst (Robert Neill) is particularly interested in the detail, I can let him have it. In essence, when we move to create the new authority in Wiltshire, all being well in 2009, the allocation of budgets, set out for the next three years under the formula settlement that the House debated and approved last night, would automatically be pooled with that of the county council's budget, to create the total budget for the new authority to carry out its new range of functions and responsibilities.

[John Healey]

Let me turn to the order. Rather like the process that we conducted for encouraging proposals, we tried to take an approach in the order that will allow each area to adopt the arrangements that are best suited to it. We therefore prepared the order following consultation and full discussion with the councils concerned, not just the county council. Our aim was to ensure that the arrangements were those that the local people most directly involved would consider best suited to their circumstances.

First, the order provides that from 1 April 2009 there will be a single tier of local government in Wiltshire. Secondly, it provides for the existing district councils to be dissolved. The county council will be transformed into a new unitary authority with both district and county functions. However, we have made clear from the outset, and will make clear in the way in which we require the implementation plan to be produced and pursued, that this is not a case of the county council either continuing as it is or mounting a takeover of the district councils. This is a new start. We expect a new sense of leadership and direction in the authority, and we expect it to implement the proposals set out in its plan.

Dan Rogerson (North Cornwall) (LD): Will the Minister explain why the county council will, in fact, continue in a legal sense, even if it is to metamorphose in the way that he has described?

John Healey: I am perfectly open about this. Essentially, it was a toss-up. There was an argument for saying "Let us, at the point of creating the new authority, dissolve all the existing authorities and create what will be legally a new entity." On balance, however, we felt that the advantages of that were outweighed by the complexities involved in transferring assets and staff, and the legal complexities. We decided that by allowing the county council formally to be a continuing authority—while making clear that it would be run differently and would constitute a new authority—we could achieve a much smoother transition and still achieve our aim of creating a new authority rather than allowing a takeover, which I have been extremely keen to avoid.

Thirdly, there will be a fresh senior management team, and once elections are held there will potentially be an element of new political leadership as well. The process of change is not a simple transfer of functions; this is a more radical, far-reaching change in the governance, leadership and service delivery arrangements in Wiltshire. The right hon. and learned Member for Devizes shakes his head. The order requires an implementation plan. We will monitor that plan, and staging posts along the way will ensure that we can create the fresh governance, leadership and service delivery arrangements that I mentioned, including scope for the community involvement set out in the proposals. The plan will cover budget, structure, staffing, transfer of assets and neighbourhood arrangements.

Fourthly, the order provides for some of the key transitional arrangements. Principally, it provides for the setting up of an implementation executive whose role will be to develop the necessary plans and budgets to drive the development of the new council. It will be led by the county council, and its membership will be drawn from members of the county council and all the district councils. Its composition is specified in the order. It was discussed in detail with all the affected councils, and it is based on consensus. To provide the necessary support for the executive, the order provides for a team of officers, again drawn from the county and all the districts.

Julia Goldsworthy (Falmouth and Camborne) (LD): The order sets out exactly how many people should be on the implementation executive and from which local authorities they should derive, but it also says that the nominations

"shall, to the extent that it is practicable to do so, secure that...the Conservative Party, the Labour Party and the Liberal Democrats are each represented".

Will all the main parties be represented as set out?

John Healey: That is certainly the intention, and it is clear in the order that that should be the case.

The order specifies that elections will take place in Wiltshire in line with the usual county cycle, in May 2009. There was complete agreement between the county and the districts in Wiltshire that the elections should be held in 2009, not 2008, principally because, by that time, we expect the Electoral Commission to have been able to undertake an electoral review, so that the arrangements for that 2009 election can be based on new wards that better reflect the community and neighbourhood pattern of the county. The order creates the new unitary Wiltshire council, and it puts in place the key elements of the transition.

I said earlier that I am keen to say a few words about the position of the employees. We all recognise that this is inevitably an unsettling time for employees of the affected authorities, and while the detailed arrangements are for local councils as employers to consider, they will be developed within a set of national principles that we will put in place to ensure that all staff are treated fairly. We have made it clear that all staff who are employed immediately prior to 1 April 2009 by the authorities that are to be abolished will become employees of the new unitary authority. We have also made it clear that those employees will be protected in line with the principles of the Transfer of Undertakings (Protection of Employment) Regulations 2006, as if those regulations applied. I made that commitment when I announced our final decisions on 5 December, and I am happy to reconfirm it to the House. This means that all staff who transfer to a new unitary authority will enjoy transfer on their current terms and conditions, and it will then be for the new unitary council to decide its new staffing structures in accordance with employment legislation generally and the TUPE regulations.

Our approach provides for an effective transition that is as efficient as possible, and one that avoids as far as it can disruption to services, gives a good deal to citizens and service users, is fair and equitable to council staff, and, above all, opens the door to creating what in Wiltshire could be one of the future flagship local authorities of our country. I commend the order to the House.

11.8 pm

Robert Neill (Bromley and Chislehurst) (Con): The Minister is certainly right to observe that restructurings of this kind are naturally unsettling. They naturally bring with them risk—in both financial and organisational

terms. My party therefore takes the view that such restructuring should not be undertaken unless compelling evidence of significant advantage is demonstrated. To restructure on the basis of a hope and a wing and a prayer is simply not good enough. Important practical, technical and constitutional issues arise.

John Healey: Does the hon. Gentleman not believe that the system of 20 community forums and the strength of the strategic leadership set out in the proposal, and for local taxpayers not least the £18 million a year in annual efficiency savings, are grounds enough for going ahead?

Robert Neill: Because there is regrettably a dearth of specific evidence to back up those assertions, I must say that there is a lack of objective evidence to support them. The key point is that because of the implications, such a change should be undertaken only if there is compelling objective evidence. What we managed to get from the Minister was the fact that there are no objective tests to see whether the five criteria are met in any given place. An entirely subjective exercise is being carried out. That is unsatisfactory, and it sets an extremely dangerous precedent.

Julia Goldsworthy: The hon. Gentleman is clearly setting out his party's cynicism about the proposed unitary reform across the country. Will he just remind me which party is in control of Wiltshire county council and who put forward this proposal?

Robert Neill: I am sorry that the hon. Lady uncharacteristically seeks to take a cheap shot on that issue. The principle that I am discussing would apply regardless, because parties of an entirely different complexion are in control in other parts of the country, so it does not apply to any one place.

Robert Key: May I just aim off a little when the hon. Lady speaks like that? I should point out that Salisbury district council is deeply opposed to this approach, and it is controlled by the Liberal Democrats.

Robert Neill: I am grateful to my hon. Friend for making that point. It may engender a modicum of silence from further down the Chamber, and it proves the virtue of doing one's local homework. It also sits rather ill with the Government's contradictions on this issue, because this is part of a process of reorganisation that will involve a number of areas. Back in 2006, the previous Secretary of State, who is still in the Cabinet as Secretary of State for Transport, described the whole question of local government reorganisation as a great distraction. I suspect that she was nearer the mark than her successor and the current ministerial team, for the reasons that we have set out.

May I return to the real concern? If one is going to make changes, there must be strong evidence to support them. Such evidence has not been set out in respect of this order. The suggestion that it will bring significant financial advantage depends on a particular case that has been put together, and it is challenged by a number of the other parties. When one examines the detail of that case, one sees that it rests on a number of assumptions about how the transitional costs work out and what the savings will be. Those are not borne out by close examination of the evidence.

I was interested to hear the Minister say that there will be a particular treatment of grant. I assume it will apply across the piece, but that was the first time that we had heard about it. That grant treatment was not taken into account in the proposal in setting out the savings. The districts have put forward their own contention, which would tend significantly to undermine the one put forward by the county council—the point being that there is conflicting evidence and, to return to my principal point, there are no objective criteria by which to judge it. It is thus difficult to see how the case for change can possibly be made against that background. We will return to that issue throughout this process, because the same principle seems to apply across all the orders that the House will have to consider in due course.

One final thing worries me about the Minister's stance, although I appreciate that he may have inherited this situation. He said that there must be consistent evidence, but a few breaths before, he said that the evidence will vary from authority to authority; so it is difficult to have any great faith in the process.

I should also ask some questions about the order itself, because it concerns me. The Minister hits on a point about this not being a takeover. He has been at pains to stress that, and it is set out in the explanatory memorandum. The reality is that if he looks at it fairly, he will see that it is difficult to say to anyone outside this process that it is anything other than a takeover, given the construction of the implementation executive whereby the chairman, who has the casting vote, shall be the leader of one particular authority—of the county council, as opposed to anything else—whether or not there is consensus. There is no obligation to seek consensus. The fact that there has been willingness on the part of the members of all the district councils to try to work together to make the best of the bad job that has been foisted on them is to their credit, rather than to the credit of the Government, who have set forward this unsatisfactory proposition. It is difficult to sell a built-in working majority in favour of one partner as a collaboration of equals, rather than a takeover.

I am also concerned that the work of the implementation executive will not be adequately scrutinised. That is important because it is at the time of the transition that the hoped-for savings are most likely to be lost and costs are most likely to overrun. Scrutiny at that stage is therefore especially important. There is, interestingly, a duty on the districts to co-operate on implementation of the transition plan in both paragraph 6.7 and paragraph 11, but surprisingly there is only an option for collaboration on scrutiny. I do not understand why the scrutiny provision—in paragraph 8.6—is not also an obligation. The provision on scrutiny is not as rigorous as that on the duty to take executive action, but both are important. From all that I know of what happens in Wiltshire, the districts will ensure that there is proper scrutiny, but the orders do not guarantee that—and they should. That is a technical concern about the nature of the orders.

The political composition of the implementation executive also raises concerns. It is an odd creature, because it does not follow the normal requirements of proportionality. It provides certain guaranteed places, but there seems to be no precedent for that, and I would be interested to know why it has been set up in that way.

[Robert Neill]

It is perhaps significant that the Joint Committee on Statutory Instruments says, of an identical provision in one of the other orders:

> "The use of the powers in the manner proposed is an unexpected use of the powers conferred by section 13(1) of the 2007 Act".

It is an odd departure, and I would like to know the justification for it. On the face of it, it appears to be an arbitrary use of the procedure.

John Healey: I am sure that the hon. Gentleman will make that point in subsequent debates, but I hope that he will make it clear that the comment from the Joint Committee that he quoted was not made about this order and this restructuring.

Robert Neill *rose—*

Mr. Deputy Speaker (Sir Michael Lord): Order. Before the hon. Gentleman responds, may I just say that while it is obviously important that the Front Benchers set out their position on the matter, this is a short debate and I am sure that several hon. Members from the county concerned wish to make their contributions.

Robert Neill: I made that caveat, but the provisions are very similar and run through all the orders. I wished to flag the issue up for the future.

There is a dearth of supporting material to make a compelling case for the need for change. My right hon. and learned Friend the Member for Devizes (Mr. Ancram) asked the Minister to detail those who support the proposition, and he was unable to do so. Against that background, it seems that the case is not made. The evidence base is too thin to embark on this proposal on its own merits or on a course of action more generally in relation to the orders, which potentially set significant precedents. For that reason, at the appropriate time, we will oppose the order.

11.19 pm

Julia Goldsworthy (Falmouth and Camborne) (LD): I shall keep my remarks brief as I know that many hon. Members wish to speak on matters that are of great importance to their constituents.

The statutory instrument is the beginning of a process to outline the move to local government reform. In this case, we are seeing the replacement of two-tier authorities with a single unitary structure. I would like to emphasise that the Liberal Democrats have no dogmatic opposition, as we believe that it is very much up to local authorities to decide what is best for their areas. Liberal Democrats in district and county councils have been absolutely right to emphasise that point.

Both my predecessor spokesperson and I have been clear that the process should be driven at the local level, not from the Minister's desk, but we were not convinced when we considered the Local Government and Public Involvement in Health Bill that that was being achieved. As my hon. Friend the Member for Hazel Grove (Andrew Stunell) said, the processes discussed were only a small improvement on what the Conservatives had left on the statute book. He raised concerns about not having the right provisions to protect local democracy. That raises the key question that has to be asked of all such statutory instruments that we will have to consider—how do they measure up to protecting local democracy? As we know from some of the interventions, these are controversial proposals, raising real issues about proper consultation and the Minister taking it properly into consideration.

Mr. Gray: The hon. Lady is making some general points, which are no doubt very interesting to her listeners, but will she clarify a very simple matter for us this evening: are the Liberal Democrats, for whom she is a spokesman, in favour of a unitary authority in Wiltshire or opposed to it?

Julia Goldsworthy: As I said, that is a matter to be decided at the local level. I have absolutely no intention of prescribing from here what should or should not happen—*[Interruption.]* I am asked again from a sedentary position what we would do. We would not have had this process in the first place, but we think it absolutely right that local areas should have a say on how they would best like to be governed. We should celebrate diversity in how that is achieved, because Wiltshire is very different from Cornwall, for example.

I would like to follow up some of the issues that the Minister raised. He was careful to be very clear that the order is not simply a takeover by the county council. However, with this and other orders, real concerns remain that that is what will happen. Unfortunately, the way in which the order is set out will only underline some of those concerns. I am grateful for the Minister's clarity about the legal reasons, but I wonder whether he can do anything further to counter the perception that, as a result of the order, we will be left with a takeover.

I also want to follow up the issue of the duty of co-operation between district councils and county councils in the implementation executive. The hon. Member for Bromley and Chislehurst (Robert Neill) has already raised the issue of the lack of parity and an equal duty to co-operate in the implementation executive and in the scrutiny process, but there is also a wider issue. Why is there no duty on the Secretary of State to co-operate to help local authorities to achieve their aims of reorganisation? That lies at the heart of the matter. Perhaps with the authority we are considering and certainly in other cases that will be discussed in the days ahead, there is real frustration because the orders will not help local authorities to achieve all they would want from the reorganisation process. There needs to be a duty to co-operate on Ministers so that they cannot stand in the way of authorities trying to achieve higher ambitions.

This is only the beginning of the process. The position is difficult because we do not really know what will be in the detail of transitional orders further down the line. We do not know what vision the implementation executive will seek to deliver; there is no sense of what the implementation team will be asked to do; and there is no idea of what the scrutiny process will be or what will be considered. The Secretary of State must give the sense that the process will not be directed from the Minister's desk—there must be a duty to deliver what the proposals want to achieve.

Another key area that flags up the kind of barriers that could arise is parish elections. Parish elections took place in 2007. My understanding is that the order will delay any further elections until 2013, after the new body is in place. Given that a new authority is likely to seek to give greater control to parish authorities in taking on new roles and responsibilities, I am concerned that parish councillors elected with an entirely different remit will be asked to take on those new powers. Given that there will be a boundary review and all-out elections to the new authority in 2009, will the Minister comment on what scope there might be to enable parish elections to happen at the same time as those unitary authority elections to allow people to seek election knowing what their terms will be?

On the boundary review, will the Minister tell us the time scale under which the Electoral Commission wants to operate? My concern is that we are debating the order close to the deadline that the boundary committee for England has set to be able fully to undertake a boundary review process in time for the 2009 elections.

I hope that the Minister will also respond to the concern about the capacity of the boundary committee to undertake other boundary reviews in areas where there are likely to be other unitary elections in 2009. Will it have the capacity to deliver that number of reviews within the necessary time scale? For a lot of authorities, that will be important in demonstrating that a new authority will be elected. With the existing boundaries, if the change does not take place, that will be a real hurdle.

Fundamental issues need to be resolved. Otherwise, it will be difficult for the process to have a successful outcome. Locally, many people are disputing whether the changes will bring improvements. If they are correct in disputing that point, either the Government have not assessed the proposals properly or the potential lack of success might be down to failings in the process that we are debating. As we have heard, members of the district authorities are participating in the process to try to make the best of a bad job. The Government have a responsibility to ensure that they are doing their best to make something that is practicable and workable, too.

11.27 pm

Robert Key (Salisbury) (Con): Wiltshire never has been, is not now and never will be an easy county to administer. We are proud of our county, but we are not quite sure why. There are as many reasons as the county has areas, districts and river valleys. That pride is very real—we even have a new county flag after all these centuries.

Wiltshire is a disparate county. It is described as chalk and cheese, with sheep farming in the south and dairy in the north. It is the home of moonrakers: the sort of characters who are anti-establishment, or certainly anti-taxman. Salisbury plain is the great divide in Wiltshire, occupied by the Army for 100 years—some say to keep apart the people from north Wiltshire and south Wiltshire.

Wiltshire has no natural boundaries, unlike Cornwall. It has no natural county town, unlike Devon, which has Exeter. It has no homogenous identity, unlike, for example, Kent. None of the boundaries of the different authorities seem to coincide and they have not for a very long time—even the ecclesiastical one. The county of Wiltshire is not in the south-east and not really in the south-west either. It may be in what could be described as central southern England, which is pretty unromantic. Wiltshire is an edge county and Salisbury is an edge city. If we are anything, people in Wiltshire still belong to Wessex, the ancient kingdom that is a romantic idea as well as a fact. Interestingly, the recent creation of an Earl and Countess of Wessex showed a deep understanding by the royal family of the nature of the county and of how we feel about where we are.

I believe that unitary authorities can work well, in the right place. I used to be a Local Government Minister, so I have fairly wide experience, at least across England. I know that it was right for Swindon, for example, to become a unitary authority. The structure might have worked in Wiltshire when it was proposed, some 12 years ago, that we should have two unitary authorities—one for north Wiltshire and one for south Wiltshire. However, when we look at the context of the order and the proposed revolution, it is important to remember that, before the 1974 local government reorganisation and in what is now Salisbury district council, we had a Salisbury city council, and rural district councils for Salisbury and Wilton, Amesbury, and Mere and Tisbury.

That was localism, and local decision making. All four authorities had planning powers, although they did not include the county council's reserve powers on highways and minerals, for example. Back in 1974, we saw the beginning of the end of true local democracy when those four councils became one. Now, Wiltshire's four district councils are to become one, and using the same sort of dodgy maths that the Government are using to support the order, some might say that the people of south Wiltshire were 16 times better represented in 1974 than they will be by the new Wiltshire council.

The point about stakeholders has been argued about quite a lot, and my right hon. and learned Friend the Member for Devizes (Mr. Ancram) and my hon. Friend the Member for Westbury (Dr. Murrison) will expand on it. However, it is terribly important to remember that only 53 per cent. of county councillors voted in favour of the unitary authority proposal. None of the district councils voted for it, and most of the district councillors voted strongly against it, unless they happened to be the double-hatted councillors who served on both local authorities—a practice of which I disapprove very strongly. One of the few benefits of the proposed system will be that we will no longer have double-hatted councillors.

The Minister said that part of the enterprise was a "toss-up", and he is right, although some people might also describe it as a gamble. The explanatory memorandum states that one of the proposal's criteria is "strategic leadership" and it talks about a "reinvigorated strategic partnership". That means that the existing Wiltshire strategic partnership will be broken up into a public service board and a Wiltshire assembly of 20 area boards. The Minister said that he believed that the new 20 area boards would be the answer to local participation in the democratic process. It is true that local people will be able to influence local

[Robert Key]

events and to help shape their communities. The police and the primary care trust will be able to join in, along with the parish and town councils, but will they be able to decide anything? No: they will be barred from making decisions. That power will reside exclusively with the 98 Wiltshire councillors, who will take all the decisions.

For the time being, the councillors will be stuck with existing local plans and development frameworks, so the planning function will remain within the existing district council boundaries. However, the area planning committees that have given decision making to local regional bodies will go; as a result, decisions will be taken by the smaller number of Wiltshire councillors who will represent the district council areas that we have now.

The memorandum states:

"The strong link to place, through the establishment of 20 "Community Area Boards", provided compelling evidence that a unitary authority would not be too remote from all of its communities."

Well, I do not know whom that evidence compelled, but it does not compel me or my constituents. It is likely that the unitary council will save back-office costs such as human resources costs. If it saves the forecast £75 million a year, however, it will be the first time in recorded history that a local government reorganisation has saved anyone a penny.

I oppose this order in principle. I think that it is wrong for Wiltshire, but I expect that the Government will get their way and so it is my duty to make the proposal work to the advantage of my constituents. If anyone can make this extraordinary idea work, it is Councillor Jane Scott, the leader of Wiltshire county council, who is a hugely talented person. If the order goes through I shall support her and wish her well in the enterprise. I shall do my best to minimise the pain and realise any gain.

In Wiltshire we take the long view. The first MP for Salisbury arrived in this place in 1265. I have been the holder of that office only since 1983, so I shall try to remember the old political adage: "Things are never as good and never as bad as they seem at the time".

11.34 pm

Mr. Michael Ancram (Devizes) (Con): I am glad to follow my neighbour, my hon. Friend the Member for Salisbury (Robert Key), who strongly set out why we should oppose the order. He has been a Wiltshire Member of Parliament for rather longer than I have, so I bow to his superior knowledge of the history of Wiltshire, even if neither he nor I quite go back to 1265.

I congratulate the Minister. If he loses his seat at the next election he will have a fine career as a stand-up comic; never have I seen anyone deliver such rubbish with such a straight face. I shall not repeat arguments that have already been made, but I want to explain the situation for the following reason. I went to see the Minister's predecessor, as did my colleagues, and we also went to see the Minister himself. We told him about the state of public opinion in the county and he listened, as did his predecessor. Neither of them gave any indication that they would contradict what we were saying, yet suddenly, out of the blue, we received what I can only describe as a perverse decision in relation to the evidence we had given them.

I remind the Minister of what we said. We told him about the Ipsos MORI poll, which is worth looking at again, because he has created the impression that it was not definitive. In fact, 78 per cent. of people said that they wanted the status quo, but with a bit more co-operation; 71 per cent. felt that a single council for Wiltshire would be remote and less in touch with local people and local issues; 64 per cent. saw Wiltshire as too big to be served by only one authority; and two thirds of the respondents said that the current system of local government worked well for them. If that is not a clear indication of public opinion against the proposal, I do not know what is.

We all received many letters and I received a petition, too. I did not receive a single letter in favour of the unitary council proposal, but I received dozens of letters against it, so I do not know where the impression of popular support has come from. At our meeting with the Minister, we told him that our understanding was that only two parish councils of all the 80 parish and town councils in the county were positively in favour of the proposal—only two, yet the Minister tried to give the impression this evening that local communities were in favour.

All the district councils were originally against the proposal. There has been a little movement since, but although they are co-operating now they basically believe that it would be bad for local government in Wiltshire. Three of Wiltshire's MPs have opposed the unitary order throughout; my hon. Friend the Member for North Wiltshire (Mr. Gray) will have to decide how he will vote tomorrow, but three of us have made our position clear.

The Minister said that the county council wanted a unitary authority, but as my hon. Friend the Member for Salisbury has just said, only 25 of the 49 county councillors voted for the proposal—hardly a massive majority in favour, yet that is the piece of opinion on which the Minister founds his case.

Mr. Gray: My hon. Friend correctly indicated that I did not go to see the Minister and that throughout I have taken a different stance on the matter from my three Wiltshire colleagues. I believe that there are strong arguments in favour of a unitary authority in Wiltshire but there are also strong arguments against, and for that good, rather Liberal Democrat, reason I shall abstain in the vote tomorrow.

Mr. Ancram: I am grateful to my hon. Friend for making his position clear—*[Laughter.]*—and I said it with a straight face.

I twice wrote to the Secretary of State asking whether stakeholders and key partners actually included people, but I never received a straight answer. I then began to inquire about the stakeholders who were apparently so important in the consultation. As my hon. Friend the Member for Salisbury said, we know of only one stakeholder who has positively supported the proposal. It was the primary care trust. Do you know why it did so, Mr. Deputy Speaker? A year ago, the primary care trust was created from four others, which led to a

disastrous diminution of medical provision in our area, so the only way it could justify its position was by supporting a similarly disastrous proposal for local government. All the other stakeholders, including the fire and police authorities and the local housing association in my constituency, refuse to take a position, because they do not believe that a strong enough case has been made for the change. Again, I ask the Minister: where is that support? Where does it come from? When the Prime Minister took office in June, he said that he would be a listening Prime Minister. Who have the Prime Minister and the Minister listened to on the subject?

I do not want to take up much more time, but I want to raise one technical point. The order states that the implementation executive is to set

"such budgets and plans as it considers necessary or desirable to facilitate the economic, effective, efficient and timely discharge of the Wiltshire council's functions on or after 1st April 2009."

My local district authority informs me that, under the order, it will not have the authority to do that; it will have no locus to take such action. I want the Minister to look into that, because if the order is passed I do not want there to be a complete muddle and mess as a result of its not being properly thought out.

I want to ask the Minister what the difference is between Wiltshire county council and "the Wiltshire council" mentioned in the order. The first page of the order says:

"That proposal was made by Wiltshire County Council."

In the rest of the order, the reference is to "the Wiltshire council". The definition says that

"'the Wiltshire council' means the council of the county of Wiltshire".

It does not say "Wiltshire County Council", as it does on the first page. That is another issue on which there could be massive confusion.

Like my hon. Friend the Member for Salisbury, I have probably been in politics far too long. We have experienced a number of local government reorganisations, and I have seen a number of similar centralisations. We are told over and again that money will be saved, that things will be far more efficient, and there will be all sorts of benefits. In every single case costs have gone up, empires have been built, and people whom we thought would lose their jobs got a new title and remained in office. Ultimately, it has always cost the local taxpayer more. I predict that that is exactly what will happen now. The Government's majority will probably ensure that the order is passed. We will go through all the rigmarole and have a unitary council, but I predict that in 10 or 15 years we will revisit the issue because the unitary council does not work.

The proposals will not work because the Minister has not listened to the people, who have told him that they do not want a remote council in our big county, as they will not be able to get to their council as easily. They do not want services to be inaccessible and at a great distance. They want local government that represents them where they are, and for all the Minister's semantics and rhetoric the proposition before us will not achieve that. I ask him seriously to think again. Very few people in Wiltshire want the change. What is driving him to give my constituents, and the constituents of my hon. Friends, what they have clearly said they do not want?

11.43 pm

Dr. Andrew Murrison (Westbury) (Con): It is a great pleasure to follow my hon. Friend the Member for Salisbury (Robert Key) and my right hon. and learned Friend the Member for Devizes (Mr. Ancram). I cannot compete with 1265, but the battlefield site of Ethandune, near Edington, is in my constituency. That is where King Alfred defeated the Danes in 878 and set up the kingdom of Wessex. If anybody knew about local government reorganisation, it was King Alfred.

Let us be clear: there is no support worthy of the name for the proposal in the county of Wiltshire. There are no grounds for the Minister's opinion, which was given in his letter of 25 July 2007 to Wiltshire county council's chief executive, that the proposals would

"command a broad cross section of support from a range of stakeholders".

Furthermore, the breezy assertion that there would be

"some support from the general public"

is true only in the most literal sense, with "some support" meaning more than no support.

The November summary document continues in the same creative vein. Any reasonable comparison of the document with the raw data would reveal that there has been considerable licence in the interpretation and collation of material.

I do not know whether the Minister has been through all the responses. The Department was good enough to allow me not only to read them, but to photocopy them, and I have been through them all. They confirm my belief, from what my constituents have been telling me for many months, that there is no significant body of support, however he defines it, for the proposals before us. May I challenge the Minister to say how he is able to draw the inferences presented in the November summary document from the responses that he received and I photocopied? If he cannot do so, the second criterion in the October 2006 invitation for unitary bids is not met.

For a more reliable litmus test of public opinion, we must turn to the MORI polling data collected in June 2006. In his letter of 22 November 2007, the leader of West Wiltshire district council, Councillor Graham Payne, says:

"I can see no reference in your report about the MORI poll that was undertaken to assess the views of the public in Wiltshire."

That is the case. I asked the Minister specifically about that and he seemed to be under the impression that in some way that poll was reflected, but in fact it is not.

Wiltshire county council misused the information in the same way as the Department for Communities and Local Government appears to have been creative in its interpretation. West Wiltshire district council referred the matter to the district auditor. On 30 July 2007 the district auditor stated in response:

"I agree with you that it"—

a press release issued by the county council—

"represents a misinterpretation of the MORI findings. It is highly selective in its use of information from the poll and excludes information that would provide a more accurate representation. As such, I consider that it fails to comply with the Publicity Code in that it is not objective or balanced".

[Dr Andrew Murrison]

yet that is the body on which the Minister is relying almost wholly in making his assertions.

The matter of consultation is by no means trivial. It is especially important in Wiltshire. Over the past months and years, and certainly since 2001 when I was elected, we have become accustomed to what might be called sham consultations. We have had them particularly in relation to local health care, where it appears that the results of the opinion survey have been more or less determined before the exercise started. That has led to the most disastrous consequences in respect of the scorched earth policy being conducted by Wiltshire primary care trust and, before that, by its predecessor bodies.

This has taken place at a time when we are all trying to establish public confidence in democracy and engage people with politics and with the formulation of public policy in important areas such as local government, health care and practically every other arena. Instead, a climate of cynicism has been engendered among the public, and who can blame them if they put a great deal of time and effort into responding to consultations in good faith, in the belief that those who make a decision at the end of the day will pay close attention to what they say and act upon it? Unfortunately, in the local government consultation, like others in Wiltshire, those who are entrusted with making policy sadly seem to bat away all the time any effort put in by our constituents. They should hang their heads in shame.

Understandably, there has been considerable judicial interest in the matter. Will the Minister outline the possible outcomes of the Congleton and Shrewsbury judicial review and what implications various possible outcomes may have on the local government review process? Will the Minister say why the estimates of costs and benefits have differed structurally from one unitary proposal to another, thus disallowing meaningful comparison? That is particularly important in the present context because Somerset, just across the border—a county that is in many ways similar to Wiltshire—has had a very different outcome from its unitary bid.

Will the Minister tell us why the transition costs, recurrent costs and savings, pension liabilities and extra costs for area governance and pay harmonisation have not been included in the cost appraisal for Wiltshire? Given the absence of a budget for area governance, what did the Secretary of State have in mind when talking in July 2007 of a "real opportunity" for people to "shape their communities"? Will the Minister confirm that area governance under the proposals will be no more than an unfunded "selectocracy" with very little accountability?

In July 2006, the former Secretary of State for Communities and Local Government called local reorganisation "a great distraction", and in March 2007, in the Government's own review, Sir Michael Lyons criticised restructuring and recommended more joint working. That is precisely the solution that Wiltshire residents have said they want, and precisely what the MORI polling data confirmed that they wanted. The *Local Government Chronicle* in May 2007 reported the Treasury fear that unitary bids were a "waste of time" and that it

"simply cannot afford to bear"

the financial risks involved. In 1974, local government was paralysed by reorganisation for up to three years, and I have to say to the Minister that there is good evidence that we are seeing a repeat performance right now in Wiltshire.

My constituents want local government to deliver quality services—which, by and large, it does. However, residents and council after council have responded to the Minister's consultation by saying that they do not want this expensive, remote, self-licking lollipop that is threatening 1974-style paralysis for months on end. Even at this late stage, I urge the Minister to think again.

11.51 pm

Mr. James Gray (North Wiltshire) (Con): I rise briefly to explain why, unlike my three hon. Friends who have spoken convincingly of their reasons for being strongly opposed to the order, I shall take a position of principled abstentionism when we vote on this matter tomorrow. The position that I have held throughout the discussions on local government reorganisation in Wiltshire is that there are strong arguments in favour of single-tier unitary authorities. Those are the arguments that we advanced when we were in government and in precisely the Minister's position. When I was special adviser to the Secretary of State for the Environment, as the post was then known, we brought in unitary status for Swindon. It is nice to see the hon. Member for South Swindon (Anne Snelgrove) in her place this evening. We also abolished the country of Berkshire in the same way, and brought in a variety of unitary authorities across England. They were very much welcomed by the people when we did so. We also abolished the county councils in the whole of Scotland.

The powerful argument for doing that, which we advanced from the Bench on which the Minister is now sitting, was that it was a fundamentally good Conservative principle to have less government and fewer civil servants servicing it, with lower council tax as a result. There are clearly strong Conservative arguments in favour of single-tier unitary authorities. There is no question about that at all, and in some respects I support what the Government have been saying in that regard.

Wiltshire plainly has good local government at the moment, however; I differ entirely from the Government in that regard. Our district councils do a very good job. They are close to the people, and they make good decisions, by and large, although there are some exceptions. I am glad to say that North Wiltshire district council had the good sense recently to throw out the Liberal Democrats who had run the council very badly for the past 10 years, and the council is now doing an absolutely first-class job.

So we have good local government at local level provided by the district councils, as well as by the town and parish councils, which provide a strong service across North Wiltshire. Localism is terribly important. As my hon. Friend the Member for Salisbury (Robert Key) commented, Wiltshire is an astonishing county geographically, split by Salisbury plain. There is no real homogeneity in the county, and it is therefore vital to have local government, which is provided at the moment by the district councils.

Given the Government's majority, it is extremely likely that the order will go through. Now is not necessarily the time to make strong, principled arguments on either side; we should be doing precisely what the Conservative-controlled North Wiltshire district council has done and Wiltshire county council is doing. We should say, "This thing is going to happen. The Labour Government have created it. There is no question but that there will be a single-tier unitary authority in Wiltshire. We should not fall out with each other over it or battle over who will be councillors in a particular place or how functions will be carried out. We should set in place structures so that the localism that currently exists through district councils is continued in one way or another."

County Councillor Jane Scott, to whom my hon. Friend the Member for Salisbury paid such warm tribute a moment ago, has that very much in mind. She realises that it is vital that there should not be a centralised structure, based in Trowbridge, that ignores local authorities, and that the structure should take real account of very local concerns by setting up appropriate other structures across the county. That is why I am ready to accept what the Government propose. I cannot bring myself to go into the Labour Lobby and support them—there are strong arguments against the proposal—but I will abstain during the deferred Division tomorrow.

The Minister might like to refer to one matter in his response. The boundary committee will examine local government boundaries in the run-up to the elections for the single-tier unitary authority. There is one boundary in Wiltshire that to me is more important than all others—the eastern boundary that borders Swindon. We love Swindon, a first-class town in many ways, but we do not want it to move into North Wiltshire in any shape, size or form. Will the Minister please reconfirm in his response that when the boundary committee considers the borders, it will be specifically tasked with doing that within the current rural county of Wiltshire, excluding Swindon? Will he confirm that the border between Swindon and North Wiltshire will remain the same? I think that that will be the case, but I would be grateful if the Minister confirmed it.

Leaving party politics and strong statements aside, we need to find the best means of delivering good, first-class services at a local level in Wiltshire and a lower council tax. I say to Councillor Jane Scott, and the new-look local authority when it is set up, that the reason why I do not oppose what she proposes is that I look to her to provide better services for my people in North Wiltshire—above all, at a lower rate of council tax.

11.57 pm

Mr. Robert Syms (Poole) (Con): I hope that my colleagues from Wiltshire will forgive me for speaking for a minute before the Minister responds. I am a former leader of North Wiltshire district council and I served 12 years on the county council. My hon. Friend the Member for Salisbury (Robert Key) mentioned the winding-up of the rural districts and boroughs. There are many proud towns in Wiltshire that still have the sign of when they were boroughs in the middle ages. It is a pity that the winding-up occurred; it took local government away from people.

As leader of North Wiltshire district council, I was always aware that it was an administrative area without any natural affinity, apart from being in Wiltshire. However, it had one big advantage: we discussed areas that we travelled to and knew. Wiltshire county council was a great, strategic council but those of us from the north of the county would often talk about areas in the south that we rarely visited. It can take one hour 20 minutes to get from Cricklade to the south of Salisbury and we did not go to the south often. I fear that the new arrangements will be unwieldy. It is a long way from Tidworth to the Somerset boundary, and I do not think that we will be close enough to the people. I am suspicious of the savings figures; I do not think that we will make savings. I hope that things work out well. I am sure that there are some very good councils in Wiltshire, but I fear that we are moving local government too far from the people.

11.58 pm

John Healey: I shall attempt to deal with the points that have been raised. First, I should like to pay tribute to the fact that all who have spoken have done so with strong feeling about their areas and a remarkable pride in their county—its history, richness and royal and military connections. The hon. Member for Salisbury (Robert Key) and, although I had not realised it, the hon. Member for North Wiltshire (Mr. Gray), speak with experience of local government reorganisation and recognise that it is not easy. Sometimes one has to believe that the prize in going through the process will indeed deliver the gain that is worth some of the pain that is necessary.

Let me say to the hon. Member for Bromley and Chislehurst (Robert Neill) that he answered his own question as regards scrutiny. He said that districts will ensure that there is proper scrutiny, and they have done. A joint scrutiny and overview board has been set up, with nine members from across all five councils, and they will do the job that we need them to do.

The hon. Member for Falmouth and Camborne (Julia Goldsworthy) asked about the boundary committee. It aims to complete the work to set the new wards in the county by February 2009, which means that they can be in place for elections in May 2009.

I will check the point that the right hon. and learned Member for Devizes (Mr. Ancram) raised about the district councils' concern about the order and write to him if there if is any cause for concern. I appreciate that he has some scepticism about this process. However, we made the general case for unitaries in the White Paper, and there are some very good unitaries as a result of reorganisations, including Stockton-on-Tees, Hartlepool and the East Riding of Yorkshire. We used the term "Wiltshire council" in the order deliberately to exemplify the fact that we were not creating Wiltshire county council but an authority for the county of Wiltshire.

The hon. Member for Westbury (Dr. Murrison) asked about the judicial review brought by Shrewsbury, Atcham and Congleton, which was dismissed by the court in September. They have appealed, the hearing took place last week, and we await the judgment. However, nothing that they have done in the judicial review process so far has delayed us or deflected us

[John Healey]

from our process, and I do not expect that to happen again, although that will of course depend on the court's judgment. All the costs were taken into account in the independent financial advice that we received.

In reply to the hon. Member for North Wiltshire, the work of the boundary committee will be within the county of Wiltshire and will not stray over the boundary into Swindon.

Area boards may be the answer to the concern expressed by the hon. Member for Salisbury, as they are set up in the proposal as forums for local decision making. Perhaps he and the scrutiny board may wish to ensure that the new council delivers on that. Finally, the savings in Wiltshire are destined to be £18 million a year, not £75 million a year, as was suggested.

I hope that all Members will fall in behind this and support those who, once this House passes the order, will look to lead the change and put in place a new council that can better serve and well serve the people of Wiltshire for the future.

Question put:

Mr. Deputy Speaker: I think the Ayes have it.

Hon. Members: No.

Division deferred till half past Twelve o'clock tomorrow, pursuant to Standing Order No. 41A (Deferred divisions).

DELEGATED LEGISLATION

Mr. Deputy Speaker: I propose to put together the Questions on the four motions.

Motions made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Delegated Legislation Committees).

Education

That the draft Regional Learning and Skills Councils Regulations 2007, which were laid before the House on 14th November, be approved.

Companies

That the draft Companies (Late Filing Penalties) and Limited Liability Partnerships (Filing Periods and Late Filing Penalties) Regulations 2008, which were laid before this House on 17th December, be approved.

Representation of the People

That the draft Representation of the People (Scotland) (Amendment) Regulations 2008, which were laid before this House on 23rd January, be approved.

Constitutional Law

That the draft Scottish Parliament (Elections etc.) (Amendment) Order 2008, which was laid before this House on 23rd January, be approved.—*[Mr. Blizzard.]*

Question agreed to.

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees).

Freight Transport Agenda

That this House takes note of European Union Documents No. 14277/07 and Addenda 1 and 2, Commission Communication, The EU's freight transport agenda—Boosting the efficiency, integration and sustainability of freight transport in Europe, 14165/07 and Addendum 3, Commission Communication, Towards a rail network giving priority to freight, 14175/07 and Addenda 1 and 2, Commission Communication on a European ports policy, and 14266/07 and Addenda 1 and 2, Commission Communication, Freight transport logistics action plan; and endorses the Government's approach to discussions on these documents. *[Mr. Blizzard.]*

Question agreed to.

BUSINESS OF THE HOUSE

Ordered,

That, at the sitting on Thursday 7th February, the Speaker shall put the Questions necessary to dispose of proceedings on the Motion in the name of Ms Harriet Harman relating to European Scrutiny (Standing Orders) not later than Six o'clock; such Questions shall include the Questions on any Amendments selected by the Speaker which may then be moved; proceedings may continue, though opposed, after the moment of interruption; and Standing Order No. 41A (Deferred divisions), shall not apply. *[Mr. Blizzard.]*

PETITION

HM Valuation Office Agency (Newport)

12.3 am

Jessica Morden (Newport, East) (Lab): I present this petition on behalf of employees and constituents who are concerned about the proposed closure of Newport Valuation Office and the possible relocation of staff to Cardiff and Merthyr Tydfil. At a time when the city of Newport is undergoing huge regeneration, the closure of that office would have a negative impact on the local economy at a time when the work load locally is increasing, would have a detrimental impact on the lives of staff, who would face a lengthy journey to work, and would be contrary to the Welsh Assembly Government policy of moving jobs out of Cardiff. The staff in Newport have provided a loyal and excellent service over many years.

Following is the full text of the petition:

[The Petition of employees and supporters of Her Majesty's Valuation Office Agency in Newport,

Declares that Her Majesty's Valuation Office Agency in Newport provides vital services in addition to providing important employment opportunities in Newport. Staff who work in this office have provided loyal and dedicated service to VOA over many years with a significant number of staff having served for a considerable period of time. That the threatened relocation of services from VOA Newport and the closure of this office will have a negative impact on the local economy, an environmental impact from additional travel and a devastating effect on the lives of the staff who currently work there.

The Petitioners therefore request that the House of Commons calls upon Her Majesty's Government to fully consider the case for retaining the VOA Newport Office and the possibility of co-locating with HMRC Newport.

And the Petitioners remain, etc.]

[P000118]

Solicitors Regulation Authority

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Blizzard.]*

12.4 am

Keith Vaz (Leicester, East) (Lab): I am most grateful for the opportunity to raise some very important issues concerning the Solicitors Regulation Authority, known as the SRA. I am pleased to see the Under-Secretary of State for Justice, my hon. Friend the Member for Lewisham, East (Bridget Prentice), on the Front Bench this evening—I say evening; of course I mean this morning, at such a very early time. I wish to make a declaration of my interests. I am a non-practising barrister and I am married to a solicitor who is also a part-time judge. My wife also formerly served on the Law Society Council.

The SRA was established two years ago last month and operates with a budget of £55 million each year. It is therefore timely that we should explore its work so far, and assess its achievements. I also want to raise some concerns regarding the issue of race and ethnicity. Previously, the regulation of solicitors was dealt with by the Law Society itself, which is the trade union for solicitors. It was rightly suggested in the Clementi report that the Law Society lacked the independence, and therefore the necessary legitimacy, to regulate properly. It found fault with the principle of one lawyer examining the work of another, and so the SRA was born. The SRA remains part of the Law Society but operates completely separately from it.

There are 16 members of the board, nine of whom are solicitors. I have serious concerns about the representative nature of the board's membership, while not casting any aspersions on those appointed. Only one is from an ethnic minority background; the rest, I have to say, consist of the great and the good. However, I am worried that in this day and age, with a board so recently created, it is no way near a representation of the race and gender of the legal profession today, and I understand that it cannot be changed until December 2009.

The SRA should act in the public interest as both a regulatory and preventive body, examining accusations of fault, writing regulations and ensuring resolutions. It should be fair to both the public and solicitors, and should ensure that all firms are treated equally and in the same way. A number of issues have been brought to my attention concerning the cases that the SRA intervened in. In such circumstances, an intervention essentially means that firms are closed down.

An independent consultant, funded by the SRA, prepared a detailed report as long ago as July 2006, which concluded that a disproportionate number of black minority ethnic firms were investigated by the SRA. In 2006, 62.8 per cent. of the 59 interventions made by the SRA were against subjects who were Asian, Asian British, black or black British, mixed or unknown, whereas only 37.3 per cent. were made against white or white European solicitors, despite the fact that that group makes up 78.6 per cent. of the solicitor population. The SRA has accepted that there is a serious problem; it has also accepted that it has not done enough to address it. I congratulate it on that candid admission.

In a letter to me on 28 September last year, Andrew Garbutt, a quality consultant at the SRA said that

> "you will note from these reports that Black and Minority Ethnic solicitors are disproportionably represented in regulatory decisions compared to their overall representation in the profession, and the SRA is exploring the reasons for this disparity."

Firms contacted me asking why they found themselves constantly under lengthy investigations with no end in sight. The figures are quite stark. I wrote to the SRA on a number of occasions but was unable to receive a satisfactory explanation for the figures that I had been given. On 10 October 2007, I was told by Antony Townsend, the chief executive of the SRA:

> "We share your concern about the disproportionate representation of BME solicitors in regulatory matters over several years...It is for that very reason that the SRA is addressing the matters as one of its early priorities."

I worried about what it deemed to be a priority when it became clear to me that the SRA produced report after report stating that there was a problem without taking any action.

As the Under-Secretary will no doubt know, I called a meeting on 16 October 2007 in the House. It was attended by Mr. Townsend, several different and well regarded groups, from the Black Lawyers Association to the Society of Asian Lawyers, and several solicitors' firms, that had concerns about the way in which the SRA disproportionately affected the work of BME firms. Although the meeting was useful in showing the SRA the extent of concern that many organisations and firms felt, I was unimpressed with what Mr. Townsend promised. It was clear that, although the issue was brought to the SRA's attention in July, nothing of substance had been done to try to tackle that serious problem by October 2007, when we held the meeting. The idea of a working group, to be chaired by the president of the National Black Police Association, was proposed by those attending the meeting but not acted upon.

I wrote to the Lord Chancellor and Secretary of State for Justice, requesting a round table discussion with the Department and the SRA to take the matter further. Subsequently, the Under-Secretary chaired a meeting during which SRA board chairman Peter Williamson accepted that the SRA had failed to do enough to deal with that major concern. His admission was most welcome. I also want to thank the Under-Secretary for attending the meeting. She did not interfere with the proceedings, but acted as an honest and effective broker. She chaired the meeting with skill and a clear understanding of the issue of race and ethnicity, doubtless drawn from her experience and the concerns expressed about other issues by her constituents. The SRA's previous hesitation in the matter may have unwittingly contributed to racism and discrimination towards BME solicitors.

Since the meeting with the Under-Secretary, we have made some progress, which is very positive. The working group met for the first time on 17 January 2008. At that meeting, it was agreed that Anesta Weekes QC, one of the country's few black silks, should be invited to be the independent chair of the working group for future meetings, and that Ali Dizaei, a distinguished police officer from London and president of the National Black Police Association,

[Keith Vaz]

would be the vice-chair. In addition, it was agreed that Lord Herman Ouseley, whose record of achievement on race is second to none, would be invited to act as an independent reviewer of the group's work.

Among other things, the working group will be responsible for drawing up and agreeing terms of reference for an independent review, which will carry out statistical analysis; re-examining the details of SRA interventions into BME firms or cold casing; examining the composition of the SRA board, which currently has only one BME member; considering the composition and training given to SRA casework staff, and trying to build trust between the SRA and BME solicitors.

I propose tonight that we go a step further. In my view, the Under-Secretary should appoint an independent monitor to oversee the work of the SRA, so that if any discrimination is found, it is acted upon immediately. It cannot be right that investigations continue into firms if racism or discrimination is found. Let us be clear. There was an important step forward: a clear recognition by the SRA that there was a need to tackle that serious problem.

There are other issues of concern that go beyond race. I have been told by those who have dealt with the SRA that it is slow to deal with correspondence and cases. I can tell the House from my experiences that, until the Under-Secretary's intervention, I had tremendous difficulty in obtaining responses to my letters, and I expect the correspondence of an MP to be a high priority for any organisation and confidentiality to be maintained.

After writing to the SRA about a specific firm, the confidentiality of the letter was breached as it became clear that caseworkers other than those involved in the case were aware of the details. When a firm is being investigated, it clearly impedes their work and costs a huge amount of money. It is only fair that a solution is found as quickly and simply as possible.

Decisions must be swift, and the actions and advice must be consistent and professional. Some firms have been advised that they have no right of appeal after an SRA adjudicator has made a decision. However, it appears that others have been told differently and that consumers have also been told a different story. I should be grateful if the Minister could confirm whether solicitors or consumers have a right of appeal after SRA adjudication. The livelihoods of solicitors can be at stake in such matters, and the questions raised by the public must be answered.

The SRA feels that one of the reasons BME firms experience a higher number of interventions than white European firms—its classification, not mine—is that they are in general smaller and that smaller firms are investigated more. That cannot be viewed as a satisfactory explanation. Why should small firms be at a higher risk of being shut down than big firms? In this context small is not beautiful, if small firms as opposed to large firms are immediately put at risk and small BME firms face a double whammy.

Legal Week published an article examining the work of the SRA one year after its creation, in which Chris Carroll, a managing partner of the large City firm Travers Smith, commented:

"although I think separating the bodies is important, it has not had much impact other than having to announce to our clients that we are now regulated by the SRA. I just do not come across them, and I certainly do not regard them as any more fearsome."

It is obvious from that statement that large City firms do not feel the bite of the SRA; and yet smaller BME firms have told me that they feel hounded by it, with investigations continuing for years.

It should be incumbent upon the regulatory body to investigate all accusations and all firms to the same extent, and not to ignore the work of large City firms because they are too powerful and difficult to get results from. The SRA has accepted that it does not approach the "magic circle" firms in the same way, but has said that that is because it does not have the budget necessary to do the job. Yet surely it is just as costly to investigate a BME firm, sometimes for up to four years, as it would be to investigate a City firm for a couple of months.

It seems that the only explanation for the situation is the one that was given to me during a meeting in my office in December with Peter Williamson, the chairman of the SRA board, who told me honestly that the reason large firms do not get investigated in the same way is that they will often give in to complainants in order to keep them as clients, which is something that smaller firms are less likely to do. In other words, money talks. If the issue is also one of resources, I ask the Minister to look into it and provide more funds if necessary; if it is not, there are more serious questions that must be asked.

Finally, I want to mention diversity in judicial appointments. It is clear that the issue is no longer that BMEs are not entering the profession; rather, there is an issue of progression. The Government set up the Judicial Appointments Commission in 2006 to reform the system for choosing judges. Yet since those reforms, all the judges who have been appointed have been white, male and, on the whole, privately educated. The situation was in fact much better under the Lord Chancellors Irving and Falconer.

The Society of Asian Lawyers has passed me a report that claims that in many of the recent appointments the winning candidate still fits the establishment profile, and in one case does not fit the guidelines issued for that position. If that is the case, how can that person be said to be appointed on merit? In this day and age, I am surprised that only 10 of the 108 High Court judges are women and that only one is from an ethnic minority. Why has the Ministry of Justice not dealt with the issue, which has been raised year after year and which it recognises to be important? After all it is dealt with in statute, in provisions under part 4 of the Constitutional Reform Act 2005—I know that to be the case, because I and others put them in there.

We are posed with the age old question: quis custodiet ipsos custodes, or who guards the guardians themselves? I know that the Minister will be keenly watching the progress of the SRA over the coming months. I sincerely hope that it will not be necessary for her to intervene again. It is surely right that we ensure that the public and solicitors get the regulation body that they deserve. For that body to work, the solicitors and the consumers have to trust it. This trust must now be earned.

12.19 am

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): I congratulate my right hon. Friend the Member for Leicester, East (Keith Vaz) on securing this important debate. He is, and has been, assiduous in pursuing his concerns about black and ethnic minorities both in and outside the legal profession, and his measured approach tonight reflected that.

As my right hon. Friend said, the SRA was established by the Law Society as an independent body to regulate solicitors in England and Wales in preparation for the new regime that we will introduce under the Legal Services Act 2007. As he said, the Act built on the recommendations of Sir David Clementi, including the requirement for legal regulators to separate their regulatory and representative functions. That is a central principle of the new framework. It is vital to both consumers and the professions that it is clear when a body is acting as a trade union and when it is acting as a regulator, when it should be seen to be separate and independent of that function.

We are encouraged by the fact that both the Law Society and the Bar have taken steps to establish independent regulatory bodies before the Act comes into force. The Law Society has delegated all its regulatory powers to the SRA apart from rule-making, which it cannot lawfully delegate at present. It has also ensured that it retains no concurrent jurisdiction on regulatory issues. The Law Society has no power to direct the SRA's board to take a particular approach, either in individual cases or in respect of policies and procedures.

The ethos behind the Legal Services Act was to put the consumer first, and to improve the way in which legal services are provided for the public. I am pleased that the SRA is embracing that ethos by giving the public information to help them make better decisions when choosing solicitors. However, I also recognise that, as my right hon. Friend said, the SRA has a real responsibility to the professions that it regulates to ensure that it acts effectively and fairly. As my right hon. Friend acknowledged, it is a relatively young body, and part of its future role will be to review the current procedures and identify areas in need of improvement. I am sure that it will be interested in the views of the solicitors whom it regulates, and will engage with them fully.

The Law Society requires the SRA to respect the principles of good regulation—of consistency, transparency, proportionality, targeting and accountability—but those principles must also be translated into the way in which the SRA regulates on a day-to-day basis.

Let me now deal with the issue of race and the SRA. I am well aware of my right hon. Friend's anxiety about the way in which the SRA has handled the concerns of black and minority ethnic solicitors in regulatory matters, and I was pleased to be able to facilitate the discussions shortly before Christmas to which my right hon. Friend referred.

Although the SRA has taken some action following the 2006 report, I agree with my right hon. Friend that it has taken far longer than anyone would want for it to draw up a structured plan with clear objectives and deadlines. However, I am glad that the work has begun to gather some impetus, and that the working group given the task of dealing with it has met and agreed on a way forward. I am also glad that the independent review will examine many of the issues raised by BME stakeholders at the meeting before Christmas, including membership of the SRA board. As my right hon. Friend will know, the board was appointed after open competition in accordance with the Nolan principles.

I believe that the working group will make real progress. It is important for BME stakeholders who feel strongly about the way in which the SRA has handled investigations to play an active role, and for everyone to work together to ensure that conduct matters are investigated in an open and transparent way. Going forward, this work will ensure that the SRA is trusted by solicitors and consumers alike. As my right hon. Friend knows, I cannot comment on individual cases or alleged breaches of confidentiality, but I know that he has written to Antony Townsend, the chief executive, about the length of time it has taken to receive replies to correspondence and I hope that he is getting a better service as a result.

The time taken to resolve intervention cases and to respond to queries are issues the review might want to consider. In particular, it might want to examine the types of firms that are investigated and whether there is a link to the resources available to the SRA. The resourcing of the SRA is, however, a matter for the Law Society not the Government, because those bodies are funded by the profession itself.

As my right hon. Friend has stated, the actions of the SRA should be consistent. He has raised the issue of conflicting advice given to firms on appeals. I have also raised that issue with the SRA, and there is no yes or no answer. Whether there is an appeal depends on the circumstances. For example, the SRA has told me that there is no internal right of appeal against a decision to refer a solicitor's conduct to the Solicitors Disciplinary Tribunal because those decisions are not adjudications, but decisions to prosecute. The SDT must itself decide whether there is a prima facie case before a prosecution proceeds. Findings and orders of the SDT are subject to appeal to the High Court, of course. Nor is there an internal right of appeal against a decision to exercise statutory powers of intervention into a solicitor's practice. Challenges to intervention decisions must be brought in the High Court in accordance with the provisions of the Solicitors Act 1974. However, there is an internal right of appeal against a decision to impose a condition on a solicitor's practising certificate and there is also a statutory right of appeal to the Master of the Rolls. I know that my right hon. Friend has written to the Lord Chancellor on this issue and he will respond to him more fully as soon as possible.

I do not think that it is necessary for an independent monitor to be appointed to oversee the work of the SRA. The chair and vice-chair of the working group—two splendid people, as my right hon. Friend said—will be independent and they will be able to review the processes. That will also be carried out by the independent reviewer, Sir Herman Ouseley—an excellent advocate in this area, as my right hon. Friend said. I will, of course, monitor progress and outcomes of the work being undertaken by the SRA because I

[Bridget Prentice]

believe that that work is essential, and I will look with interest at the conclusions of the review, and at how the SRA tackles the issues that come out of that.

My right hon. Friend has raised the point that investigations should be suspended, particularly if the review finds evidence of discrimination. I believe that doing so would raise serious consumer protection issues, and we would need to consider that very carefully. In the longer term, oversight will pass to the legal services board and I will ensure that the new board, once it is established, is aware of the progress and outcomes of the review.

I wish to turn briefly to legal diversity, an area that I consider to be of great importance as my right hon. Friend is aware. The key to a diverse judiciary is a diverse legal profession. There are still huge barriers, as my right hon. Friend pointed out. We are committed to working with, and challenging, the professions where we can to deliver improvements in diversity. That is why I wrote to the top 100 law firms and top 30 chambers in November 2005, and then to the next 100 firms and next 30 chambers in April 2006, asking them to publish their diversity policies and statistics on their websites. I was not hugely impressed by the response. Changes take time and they will not be achieved overnight. The fact that there was some reluctance will not prevent us from continuing to press on these measures.

Keith Vaz: Has either the Minister or the Lord Chancellor called in the chair of the Judicial Appointments Commission to register disappointment at the first tranche of appointments that has been made? Those appointments do not seem to be in keeping with the vision set out by the previous and present Lord Chancellors and by the Government.

Bridget Prentice: We have not called in the chair of the JAC on that issue, but I had a meeting with her about two weeks ago and she is aware of my concerns. She, too, is very committed to ensuring that the judiciary is more diverse. She suggests that we examine other ideas of how we might make progress. I shall keep my right hon. Friend informed as to how we hope to make real progress in ensuring that we have a judiciary who reflect the community that they serve.

Progress has been made on a number of projects as part of the trilateral judicial diversity strategy published jointly by the Lord Chancellor, the Lord Chief Justice and the JAC in 2006. Those include eligibility changes under the Tribunals, Courts and Enforcement Act 2007, which for the first time will allow members of a wider range of legal professionals, including fellows of the Institute of Legal Executives, registered patent agents and registered trademark attorneys, to apply for judicial appointment.

We are also undertaking a solicitors' initiative. The Department is working with a number of regional and London-based law firms that have signed up to a five-point action plan designed to encourage and promote judicial service within their firms. A solicitors forum has also been established. The Ministry of Justice, the JAC, the Law Society and the Judicial Office meet quarterly to identify and address real and perceived barriers to judicial office.

We are also doing promotional and outreach work with the JAC, the Judicial Office and the professional legal bodies aimed at promoting judicial office and raising awareness among under-represented eligible groups. Further wide-ranging publicity is planned to coincide with the widening of eligibility this year.

Diversity and community relations judges are working with the Department and the judiciary on ways to enhance and support that network. Those judges act as an interface between courts and local communities, with a view to increasing communities' confidence in the justice system and improving judges' understanding of local issues. A conference will take place in May, when the new best practice guidance will be launched.

I can tell my right hon. Friend that this is a work in progress. I sympathise with and understand his frustration at the lack of speed of some of these successes. I hope that he will realise that we have put in place a number of things that I hope will start to bear fruit in the coming months and years. I can promise him that I shall keep a very close eye on the work of the working group and the SRA. I hope that before long, he and I, the black and ethnic minority communities, the profession and consumers can have confidence that the judiciary are as diverse as the country that they serve.

Question put and agreed to.

Adjourned accordingly at twenty-seven minutes to One o'clock.

House of Commons

Wednesday 6 February 2008

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

DUCHY OF LANCASTER

The Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster was asked—

Media Advisers

1. **Andrew Selous** (South-West Bedfordshire) (Con): How many communications, press and marketing staff were employed in the civil service in (a) 1996-97 and (b) 2006-07. [184599]

The Minister for the Cabinet Office (Edward Miliband): In a civil service of 500,000, there are approximately 400 press officers in Whitehall Departments. The Central Office of Information white book lists 3,250 Government entries, but this includes a range of functions such as providing information to the public through publications, websites and campaigns around issues such as road safety, public health and smoking. There are no directly comparable figures for 1996-97.

Andrew Selous: Government is about choices, so why have this Government put PR above police pay?

Edward Miliband: Government is indeed about choices. I will tell the hon. Gentleman one thing that this Government have increased spending on, because it is something close to his heart: advertising for public information on health. In 1997-98, we spent £2 million; in the last year for which figures are available, 2006-07, we spent £43 million. That is about making choices to inform people about healthy living and how they can improve their own health. I would have thought that he would welcome that.

Mr. Kevin Barron (Rother Valley) (Lab): Does my right hon. Friend accept that the threats to the health of the public in the 21st century will be exactly as he describes—the lifestyles that we all, young and old, have in this country? Public information about smoking and childhood obesity are vitally important, and it would be completely irresponsible for any Government not to ensure that good messages get through to protect people's health.

Edward Miliband: My right hon. Friend is absolutely right. I pay tribute to the work that he did in leading the campaign on smoking in the workplace and the ban that was introduced. His work, and that of hon. Members in all parts of the House, made the difference in that campaign. He is right that we need to do more to inform the public about the dangers of second-hand smoking, for example, and that is another area that the Government have been investing in.

David Tredinnick (Bosworth) (Con): Is not the real problem that during the tenure of this Government the roles of public relations people, civil servants and political advisers have got incredibly muddled and mixed up? We need a new civil service Act to define very clearly what civil servants should do and what political operators should do.

Edward Miliband: I do not necessarily accept the premise of the hon. Gentleman's question, but I bring him good news: as part of the constitutional renewal Bill, we will legislate for the principles of a civil service Act. I hope that he will welcome that Bill and engage with it. I also point out that the Prime Minister has repealed the Orders in Council relating to the civil service that some people had criticised. I hope that the hon. Gentleman also welcomes that, and I look forward to his support for our Bill.

Greg Clark (Tunbridge Wells) (Con): The Minister will be pleased to acquire the talents of the Parliamentary Secretary, Cabinet Office, the hon. Member for West Bromwich, East (Mr. Watson), who is now part of his team. He is a true communications guru. He is a pioneering blogger and a highly influential letter writer, and he even produced for the hon. Member for Birmingham, Erdington (Mr. Simon) the widely respected YouTube spoof of the Leader of the Opposition. Now that his Cabinet Office has the benefit of such talented communications skills—and, of course, those of the other Parliamentary Secretary, Cabinet Office, the hon. Member for Corby (Phil Hope)—why does it need 35 communications officers, including one supporting each of the three Ministers?

Edward Miliband: There are eight press officers in the Cabinet Office. Once again, the hon. Gentleman, in common with his hon. Friends who have already spoken, undervalues the importance of information. The Government would be criticised if we were not providing information to people through websites and through other forms of communication. Interestingly, listed in the Government white book are people who work on Directgov, which is the site that provides information to millions of people around this country on the issues that matter to them. The hon. Gentleman should welcome what we are doing on this, not criticise it.

Public Spaces

2. **Ms Dawn Butler** (Brent, South) (Lab): What support the Government plan to provide to help local people make use of high-quality public spaces for voluntary activities in the next three years. [184600]

The Parliamentary Secretary, Cabinet Office (Phil Hope): The Government are committed to providing opportunities for local third sector organisations and public bodies to work together to ensure the best use of

public spaces and buildings. The new £30 million community assets programme will provide grants to improve local authority assets so that they can be transferred to community ownership. That is just one element of a broad programme of support for local authorities and third sector organisations to develop quality partnerships to ensure the best use of high-quality assets.

Ms Butler: I thank the Minister for his response. In line with that answer, on 15 March, Wembley stadium will open its doors to voluntary organisations and the London borough of Brent to talk about facilities and its football development programme. Does my hon. Friend agree that that programme, along with the extended schools programme, is one of the right steps forward in making sure that our young people keep fitter, and in the development of stars for the future? As we are talking about Wembley, will the Minister also join me in congratulating the football—

Mr. Speaker: Order.

Phil Hope: I wish the England team and their new manager every success—that is one European partnership that I am sure the whole House would want to support. I congratulate Wembley and Brent council for creating their new partnership. There are many football teams throughout the leagues that create such partnerships, and they bring real benefits, such as new learning centres and the engagement of young people in their communities in imaginative ways that provide them with constructive alternatives and opportunities for learning. I shall visit Watford football club in the near future to learn about the success it is having in improving the community around its town.

Mr. Gary Streeter (South-West Devon) (Con): I welcome this new initiative, and any help to local and voluntary groups is always welcome. However, is not the real support that the third sector wants from the Government the provision of more clarity and long-term core funding? What can the Minister tell us about the real help that local groups in all our constituencies are looking for?

Phil Hope: I have some very good news for the hon. Gentleman. If he reads today's edition of *The Guardian*, he will see an announcement about the new Grassroots Grants campaign. That grant regime will provide a flow of revenue funding, which is particularly targeted at small, local voluntary organisations, whose grant needs often get overlooked. It will be rolling out from this summer through local providers, and it will consist of not only a revenue stream, but an endowment fund to provide sustainable funding for local voluntary organisations over the years ahead.

Martin Linton (Battersea) (Lab): Will my hon. Friend join me in congratulating the happy campaigners of the Gwynneth Morgan day centre, whom he visited recently, on their campaigns on pavements and post offices, which took place with the help and encouragement of his Department? Does he agree that campaigning is an important activity for voluntary organisations and charities?

Phil Hope: We had an excellent morning in Wandsworth with the happy campaigners. The group is a Leonard Cheshire group, and it is standing up for the needs of its community. It is campaigning for better pavements in particular. We want to see such campaigning throughout the country—people with needs in their local areas having a voice. We want those who do not have a voice, who are the most marginalised, to have the opportunity to speak up and get public services to respond to their needs. I congratulate my hon. Friend on the work he does in his constituency in standing up for groups that are often the most overlooked.

Information Assurance

3. **Mr. Shailesh Vara** (North-West Cambridgeshire) (Con): What assessment he has made of the effectiveness of the Cabinet Office in providing information assurance across Government. [184601]

The Parliamentary Secretary, Cabinet Office (Mr. Tom Watson): The Cabinet Office sets out the strategic direction for information assurance in Government. Individual Departments are responsible for following the strategy and protecting the data that they hold.

Mr. Vara: Will the Minister finally confirm what is abundantly clear to the rest of the country—that there is insufficient Government information assurance for schemes such as ID cards and national road pricing?

Mr. Watson: The Government take information assurance very seriously, and the hon. Gentleman will not be surprised to know that I have spent a lot of time in my new post understanding this new brief. The Prime Minister announced that the new Secretary of State for Wales will be increasing ministerial firepower on the matter, and any lessons that have to be learnt, will be.

Andrew Miller (Ellesmere Port and Neston) (Lab): I congratulate my hon. Friend on his new appointment. When he considers the failures that there have been in data security, he will find a common thread. It is not a policy failure, but a failure of management and training. Will he look at what the private sector does to ensure that people are properly trained and that they are aware of their obligations under privacy legislation, and will he ensure that such rules are adopted in the civil service?

Mr. Watson: I thank my hon. Friend for his kind remarks. I know that he is an recognised expert in this House on information assurance. His points on training are important and one of the early indications from the O'Donnell review is that there is a role for enhanced training. If such training is required to be mandatory, it probably should be.

Mr. Francis Maude (Horsham) (Con): I welcome the Minister back to the Dispatch Box; no doubt that is his reward for his part in dispatching the previous Prime Minister.

Two years ago the Walport report called for the Government to improve data security, warning that leaks of personal data would damage the Government's reputation. A year ago, Sir Edmund Burton, the Cabinet Office's own adviser on information assurance, pointed out a systemic lack of awareness of data security throughout the Government. Just last summer, the Coleman report raised concerns—a report that it is now clear that no

Minister actually bothered to read. After all those warnings, and after 25 million bank details have gone missing, benefit files were dumped on a roundabout and 3 million drivers' records were lost in Iowa, of all places, why are we still seeing personal data disasters week after week?

Mr. Watson: Let me repeat my earlier answer: we take the matter seriously, and the information assurance strategy launched last June increased Government security. The O'Donnell review, when it reports, will again improve Government policy. Four principles underpin our approach to that review. We require enhanced transparency, increased monitoring, improved guidance and better, and possibly mandatory, training.

Mr. Maude: How many reports does the Minister need? He has had three so far. The problem is not a lack of transparency, but a great deal too much of it in respect of personal data.

Nick Coleman said in his report last year that

"adequate mechanisms are not yet in place...which puts at risk the government's aspirations for service delivery enabled by technology."

Is not that the clearest possible indication that the Government can never be trusted with all the personal data involved in setting up a national ID card? When will Ministers at the centre of Government show some leadership, get a grip and start to protect the public's personal data, which are constantly being put at risk?

Mr. Watson: The O'Donnell review is already changing Departments' activities. The right hon. Gentleman and I both aspire to a cultural change in Government. Our hard-working civil servants should deal with people's personal information in the same way as they deal with taxpayers' money. That is a contemporary challenge for Government. Twenty-five years ago, when the right hon. Gentleman first entered Parliament—and when his Front-Bench colleague the hon. Member for Tunbridge Wells (Greg Clark) and I were probably playing "Manic Miner" on a 48-kilobyte ZX Spectrum—the information that can now be held on a DVD would have filled 400 filing cabinets. We are rising to that contemporary challenge and Departments are taking action.

Mr. Gordon Prentice (Pendle) (Lab): The Government want the Information Commissioner to carry out spot checks on Departments to ensure that data are secure. Is that happening and does the Information Commissioner have enough staff to make a decent job of it?

Mr. Watson: That is a matter for the Information Commissioner, but we will give him all the support he requires in doing that job. Indeed, that was announced in the interim review from the O'Donnell report.

Voluntary Sector (2012 Olympics)

4. **Sir Nicholas Winterton** (Macclesfield) (Con): What assessment he has made of the impact of the UK's hosting the 2012 Olympics on the funding available for voluntary sector organisations. [184602]

The Parliamentary Secretary, Cabinet Office (Phil Hope): The Olympics will bring huge benefits to the whole country and the Big Lottery Fund has introduced important safeguards to protect the amount of funding available to voluntary sector organisations. The fund has ensured that no existing lottery projects will be affected and that the original estimated £2 billion over the next five years will continue to be available for the third sector.

Sir Nicholas Winterton: I am sure that the Minister knows that the Big Lottery Fund has allocated resources to many thousands of important and valuable voluntary organisations and clubs. Although I welcome the Government's assurance that there will be no further raids on good causes, will he please confirm that the voluntary sector will get the same amount of funding from the Big Lottery Fund, or the same share of funding, as it now receives?

Phil Hope: That was the point of my original answer. I confirm that the original estimate of £2 billion for the next five years will be available for the third sector. If the hon. Gentleman is so concerned for the Big Lottery Fund to give its resources to the third sector, he might have a word with Conservative Front Benchers, who recently announced that they would cut £250 million from the amount going from the fund to the Olympics. That would take £250 million away from the voluntary sector.

Derek Wyatt (Sittingbourne and Sheppey) (Lab): One of the positive aspects of London 2012 is that more than 100,000 people will volunteer. Will the Minister consider creating a national vocational qualification for volunteering and, most of all, establishing an Olympic volunteers day that will connect not only this country but all the cities that have hosted the Olympics throughout the world since 1896?

Phil Hope: I congratulate my hon. Friend on his contribution to work on the Olympics. He and I played rugby together many years ago in the parliamentary rugby team—something that we will probably not do again in future. The volunteers to whom he refers are essential. Qualifications that volunteers can attain, as part of acknowledging the contribution that they make, are an important part of the process of accreditation that we would like to happen. This is, of course, a matter for voluntary organisations and the Qualifications and Curriculum Authority, but my hon. Friend is right to raise the issue, because there are genuine opportunities to be taken.

Susan Kramer (Richmond Park) (LD): One of the strengths of the Big Lottery Fund has been the fact that it funds not only the third sector, but the statutory and private organisations that partner that sector. That is where the cuts of £425 million will fall. Will the Minister make it clear what impact he thinks those cuts will have on the ability to deliver real outputs and projects on the ground?

Phil Hope: I welcome the hon. Lady to her new responsibilities on the Liberal Democrat Front Bench. The Olympic games offer many opportunities, including business opportunities for many social enterprises in

the third sector. It has been estimated that Social Enterprise London could be a contender to bid for around £500 million of business related to the Olympic games. As well as resources for the third sector being safeguarded, there are opportunities for social enterprises in the sector to be deliverers of the Olympic games and the opportunities that they provide.

Fiona Mactaggart (Slough) (Lab): But can the Minister ensure that young people and voluntary organisations in places that are affected by the Olympics, such as Slough, with the rowing at Dorney, will be able to make the most of the ambitions and the opportunities for sport and outdoor play that the games will bring to this country?

Phil Hope: My hon. Friend has a great track record on all these issues. I can assure her that the Olympic games will provide young people in particular with opportunities not only as volunteers—many of the 70,000 or 100,000 volunteers will be young people, which will provide them with new opportunities—but through the many voluntary and third sector organisations that will play their part in their local communities, thereby benefiting from the wave of excitement and interest that we have generated not just in this country, but across the world, as we host the most successful Olympic games ever.

Mr. Charles Walker (Broxbourne) (Con): The Minister has given assurances that no more lottery money will be siphoned off between now and the Olympics to fund the building of infrastructure projects, but does that guarantee extend to the legacy? There is concern in some quarters that the legacy will be funded by future raids on the lottery fund.

Phil Hope: I think that I can give the hon. Gentleman those assurances. I remind him that we have managed successfully to safeguard that level of resourcing for third sector organisations from the Big Lottery Fund not just over the five years, but beyond the Olympic games. Again, however, I suggest that he talk to those on his own Front Bench, who would inflict £250 million of cuts on the voluntary sector with their proposals on funding the Olympics.

Julie Morgan (Cardiff, North) (Lab): I welcome the benefits of the Olympics, but will my hon. Friend conduct a review of all the voluntary groups that have suffered from the diversion of funds to the Olympics? I understand that the Welsh Jazz Society, which is run by volunteers, is losing funding as a result of cuts to the Arts Council of Wales from the lottery. Can he look into that, please?

Phil Hope: I am not familiar with the specific project and funding that my hon. Friend describes, but I re-emphasise that we are protecting third sector organisations' funding from the Big Lottery Fund. Indeed, the director general of the Big Lottery Fund said:

> "I am pleased that we will be able to protect existing programmes and the money earmarked for the Third Sector."

The Arts Councils and my colleagues in the Department for Culture, Media and Sport have announced additional funding through the mainstream programmes, from which I am sure organisations such as the one that my hon. Friend described may wish to benefit.

Mr. Gregory Campbell (East Londonderry) (DUP): Many young people in the third sector throughout the United Kingdom are looking forward to participating in the Olympics. The Minister has given assurances across a range of issues in respect of grant assistance, but will he repeat those assurances for the regions, so that people in Northern Ireland will not be penalised for participating in and supporting the Olympic games?

Phil Hope: I am absolutely certain that the people of Northern Ireland will not be penalised; indeed, I hope to see athletes from Northern Ireland playing their part in the Olympic teams. Northern Ireland will benefit hugely from the Olympics, and that will involve not just the young people participating, but sport as a whole rising in popularity and participation, and bringing benefits to both the individuals concerned and the wider community.

Graham Stringer (Manchester, Blackley) (Lab): Is it not the case that Adam Blake's report on the economic impact of the Olympics in the English regions and Wales and Scotland showed that, outside London, that impact will be wholly negative? What is my hon. Friend going to do to compensate for that?

Phil Hope: I do not recognise that claim, as I believe that there will be genuine social and economic benefits throughout the UK. Indeed, we now have new regional Ministers covering each of the nine English regions. I know that each of those Ministers will make it one of their priorities to ensure that the Olympics bring real social and economic benefits to every region throughout England and, indeed, throughout the UK.

Mr. Roger Gale (North Thanet) (Con): The question on the Order Paper asks what assessment the Minister has made of the effect of the funding of the Olympics on voluntary organisations. I have listened to the Minister very carefully, but is he seriously trying to suggest that the redirection of money siphoned off for the Olympics will not impact on other good causes and on the voluntary sector? If he is, that does not match up with the experience of our constituents.

Phil Hope: One of the benefits of discussions in the Chamber is the ability to provide reassurances; in this case, I reassure the hon. Gentleman and his constituents that we have secured £2 billion over the next five years—and beyond into the legacy of the Olympics—so that voluntary sector organisations will receive the resources that they need to carry on the great work that they do in many disadvantaged areas of the country. I repeat my plea: the hon. Gentleman should talk to his Front Benchers, as it is his party's proposals that would cut £250 million—

Mr. Speaker: Order.

Third Sector

5. **Mrs. Madeleine Moon** (Bridgend) (Lab): What assessment he has made of the role that third sector organisations play in campaigning for social change; and if he will make a statement. [184604]

The Minister for the Cabinet Office (Edward Miliband): Third sector organisations play an essential role in campaigning for change in laws and attitudes. Whether it is large charities that have campaigned around issues from disability to child protection or small charities that wish to speak out on local issues, their work plays an important role in speaking up for those who would otherwise not have their voice properly heard.

Mrs. Moon: Given that suicide among young people aged 14 to 25 accounts for 20 per cent. of all deaths in that age range—it is second only to accidental death—and that 19,000 young people attempt suicide each year, does my right hon. Friend agree that it is most important that organisations such as the Samaritans continue their campaigning work to bring that issue to public attention and provide the strategies to help and support young people to avoid suicide, and to inform the Government about how serious this issue is for young people?

Edward Miliband: I join my hon. Friend in paying tribute to the Samaritans for their work in my own local area and across the country, including in my hon. Friend's constituency. She is absolutely right that the particular insights that the Samaritans gain into the problems of the people who come to them put them in a unique position to campaign on the issues that really matter for such people. We should welcome their work and enable it to continue.

Sir Patrick Cormack (South Staffordshire) (Con): As the Secretary of State has rightly paid tribute to the Samaritans and other voluntary organisations, can he please drop this ghastly jargon of "third sector"?

Edward Miliband: I know that some hon. Members and people outside the House feel strongly about this matter. I assure the hon. Gentleman that I did not invent the term which is used by the sector itself. Debate about it will no doubt continue.

Community Assets Programme

6. **Dr. Phyllis Starkey** (Milton Keynes, South-West) (Lab): If he will make a statement on the scope of the community assets programme. [184605]

The Parliamentary Secretary, Cabinet Office (Phil Hope): The £30 million community assets programme aims to empower communities by providing grants to improve public assets so that they can be transferred to community ownership. The need for the programme was established following extensive consultation with the third sector on its priorities.

Dr. Starkey: My constituency in Milton Keynes has a pressing need for more youth facilities. Will the Minister explain whether it would be possible for young people in the community to be actively involved in the groups putting forward bids for these community assets?

Phil Hope: I can give my hon. Friend the good news that young people or youth organisations will be able to bid for these resources if they wish to run some sort of youth provision of their own in the community. I have further good news for her: the Bill on unclaimed assets that is currently going through Parliament will release a huge amount of resources so that in every community across the country, young people will have new facilities, new centres and new opportunities to create social enterprises that will meet their own needs and the wider needs of the local community.

County Palatine

7. **Mr. Nigel Evans** (Ribble Valley) (Con): How much in the Chancellor of the Duchy of Lancaster's fund is available for distribution to good causes in the County Palatine. [184606]

The Minister for the Cabinet Office (Edward Miliband): For 2008, the Duchy of Lancaster benevolent fund has budgeted to distribute £375,000 to good causes, up from £345,000 last year, of which £290,000 will be allocated to the County Palatine and the balance to other geographical areas where the duchy has links.

Mr. Evans: One of the more delightful responsibilities that the Chancellor of the Duchy of the Lancaster has is for that fund. It does a lot of good work, particularly for smaller organisations and charities, and for MPs who represent the County Palatine. Can he ensure that it receives more publicity, so that more organisations are able to benefit from the funds available?

Edward Miliband: I thank the hon. Gentleman for his question and for advance notice of it. I have talked to the chief executive of the duchy and we will work on ensuring that there is widespread publicity about the money available. Small organisations can bid for that money, and it is important that all those who can benefit know about it.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [184584] **Mrs. Ann Cryer** (Keighley) (Lab): If he will list his official engagements for Wednesday 6 February.

The Prime Minister (Mr. Gordon Brown): This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall have further such meetings later today.

Mrs. Cryer: My right hon. Friend must be well aware of the concern in this House and beyond regarding the stories that are circulating about bugging and surveillance. Can he assure me that the inquiry that he has announced will be thorough, will examine all the issues of concern, and will report back promptly to the House? At the end of the day, our constituents must be assured that they can talk to us in confidence.

The Prime Minister: The inquiry will be detailed; it is under a very distinguished chairman, Sir Christopher

Rose; it will report back quickly; and the Justice Secretary will make a statement to the House of Commons. It is right to put in context what has happened over the past few days, and to say that we all benefit from the work of the police and security services and the surveillance necessary to defend our security, preserve our freedom and in some cases save lives. In addition to the inquiry being held, however, protections are in place under the Regulation of Investigatory Powers Act 2000, including authorisation by a senior officer, the right to appeal, oversight by an independent tribunal and the annual reports on the number of intercepts and surveillance operations taking place. The Justice Secretary has said that he was not aware of any information regarding covert recording or anything like that until last weekend. Where there are questions, however, it is right to investigate. In the meantime, it is right for us not to add to the game of speculation, nor to presume the results of the inquiry.

Mr. David Cameron (Witney) (Con): Can the Prime Minister tell us how many reviews he has set up since becoming Prime Minister?

The Prime Minister: I have set up quite a number of reviews and it is right to do so. We are in the process of making the changes that are necessary for the future of this country. We will report today on one of the reviews, the Chilcot review, and I hope that there will be agreement that that was the right thing to do.

Mr. Cameron: The Prime Minister has established 52 reviews—one every four days. It is no wonder that he does not have time to open his post. They include reviews of behaviour partnerships, physics and even sunbeds—I presume that that is to keep the former Welsh Secretary busy now that he is not in the Government. The former Home Secretary, the right hon. Member for Norwich, South (Mr. Clarke), says about the reviews that the

"current uncertainties"

in government—

"are widespread, debilitating and give ammunition to Labour's opponents."

He specifically mentions hospitals, schools and local government. Who is the source of this dithering, or does the Prime Minister need a bit more time to find out?

The Prime Minister: I would just repeat the words of the former Chancellor: too many soundbites, not enough substance. When it comes to the reviews, we are reviewing the policy of super-casinos—that is what the public want us to do; we are reviewing the policy on cannabis—that is what the public want us to do; we are reviewing the policy on affordable housing to build eco-towns—that is what the public want us to do. I do not think that the Opposition understand that the world is changing around us. We need to review the right things to do. We are doing that. As a result, we are the party that has created 3 million jobs, the party with low inflation and low interest rates, and the party that is investing in education and health.

Mr. Cameron: When will the Prime Minister understand that it is not reviews but decisions that people want? Let us look at the list of policies that the former Home Secretary says are incomplete. These are the policies that the Prime Minister's former Cabinet colleague says he is dithering about: local government, trust schools, foundation hospitals, housing, disability. [Hon. Members: "Reading!"] I have to read, because there is such a long list of things that the Prime Minister is dithering about. He talks about soundbites, but he cannot even think of his own: he has to borrow them from the former Chancellor.

Let us take just one example. A-levels. The Prime Minister's Schools Secretary says that there will be an open-minded review, and that he cannot guarantee their future. Will the Prime Minister contradict his Schools Secretary, and tell us that A-levels are here to stay?

The Prime Minister: Let us look at what we are doing on education. The right hon. Gentleman says that it is wrong for us to have a review. We are proposing education to the age of 18; he is against it. We want education for all; he wants education for some.

We are proposing diplomas. We have said we will make a decision in 2012, and that A-levels will continue to exist. That decision will be made in 2012, and it is the right decision for the country: to build on diplomas with A-levels. The right hon. Gentleman is opposing it.

We are proposing that the number of apprenticeships be doubled. The Conservatives are not supporting that policy of the Government. We are proposing additional expenditure on education and school buildings. The right hon. Gentleman is proposing to transfer the money to another programme.

We are the party that is investing in the future. We are the party for the long term. The right hon. Gentleman's is the party of the short-term gibe.

Mr. Cameron: I think the Prime Minister had been practising that soundbite all week, and do you know what? It is still rubbish.

Never mind the smokescreen. It is a simple question. I want A-levels to stay. I think they are a great qualification. What does the Prime Minister want?

The Prime Minister: A-levels are staying. We made the decision that until 2012 diplomas would go side by side with A-levels, and then we would make a decision about the future. That is right for the country.

I ask the right hon. Gentleman again: does he support education to the age of 18, as we do? Yes or no? We are for education for all. The right hon. Gentleman is for education only for some.

Mr. Cameron: Everyone wants more children to stay at school until they are 18. Everyone wants better vocational education. But the Prime Minister has a very simple question to answer. He just said that A-levels were safe until 2013, but we want a guarantee beyond that. We want to know that A-levels will stay for good. The Schools Secretary cannot guarantee their future, the head of the Qualifications and Curriculum Authority says that they will be out of the door, so let us try it one more time. Will the Prime Minister confirm that A-levels will stay for the long term?

The Prime Minister: Yes, and it is right to test the new system and to make the decision in 2012. But I

have to ask the right hon. Gentleman a question. We are for education until the age of 18. We want to give every child the right, free of charge, to stay in education until the age of 18. Is the right hon. Gentleman for that policy, or is he against it?

Mr. Cameron: Anyone listening to this will recognise that this Prime Minister cannot answer a question, and cannot make a decision. He cannot make a decision: I think he is incapable of it. Parents, teachers and children listening to this who want A-levels to continue just want a straight answer. Will they not look at the Prime Minister and say "This is a hopeless, dithering Prime Minister"?

The Prime Minister: I have given the answer: A-levels and diplomas will go side by side. What the right hon. Gentleman has failed to tell us is whether he supports education until the age of 18. We have said that we will give every child and young person the right to education until the age of 18. It is the biggest change in the educational system for 60 years, and the right hon. Gentleman is unable to tell us whether or not he supports it. This is the Leader of the Opposition who wants to look both ways on an important policy. I tell him this: we are investing in the long term, and he refuses to do so.

Chris Mole (Ipswich) (Lab): Will my right hon. Friend ask his Cabinet colleagues responsible for energy and for defence to work closely together to deal with concerns raised recently about the interaction between wind farms and defence radar systems? Will he ask them to ensure that any concerns expressed about a particular application for a wind farm are proportionate to our defence needs, but do not prevent the urgent need to make progress in installing wind farms around the United Kingdom?

The Prime Minister: I was discussing this very matter with colleagues on Monday. It is important to recognise that offshore wind will be a very important part of the development of renewable energy for the future. We will have to invest in it in the future, but we will also have to deal with the military and security problems that will arise as a result. We are currently discussing these matters in order to reach a sensible conclusion.

Mr. Nick Clegg (Sheffield, Hallam) (LD): This week's bugging controversy should not come as a surprise to the Prime Minister. After all, it is this Government who have turned the British public into the most spied upon on the planet: 1,000 surveillance requests every day; 1 million innocent people on the Government's DNA database; and 5,000 schools now fingerprinting our children at school. Is that what the Prime Minister meant when he spoke so stirringly a few months ago about the great British tradition of liberty?

The Prime Minister: I take it that the right hon. Gentleman and the Liberal authorities support CCTV. I take it that they support the intercept action that is taken when it is necessary for national security. I take it that he accepts that only 1,500 intercepts have been commissioned by Ministers as a result of urgent security needs. Does he accept these things or not?

Mr. Clegg: The Prime Minister seems to see no limits. He is creating a surveillance state. Why has he consistently refused requests for more power to be given to the Information Commissioner? Why does he not do what is already done in Scotland and remove the DNA of innocent people from the database? Why will he not act immediately to stop the scandalous fingerprinting of our children at school?

The Prime Minister: People in this country are reassured by the presence of CCTV; I hope that the right hon. Gentleman is not proposing to remove it. That is one very important part of the investigatory and surveillance powers that we give the police to carry out their work. I would hope that the right hon. Gentleman would look at the Regulation of Investigatory Powers Act 2000 and see the protections that have been put in place where there is surveillance and where there are intercepts. They include authorisation by a senior officer, the right to appeal to an independent tribunal, and a commissioner for surveillance who looks at matters and reports annually. We are taking the steps to protect the liberties of the citizens; I hope that the right hon. Gentleman will support that.

Q2. [184585] **Mr. David Clelland** (Tyne Bridge) (Lab): Gateshead council is planning the development of a 20-acre brownfield site near the town centre for housing, 25 per cent. of which would be affordable housing. However, the completion of the acquisition of the site is being held up by the British Rail residuary board on the rather curious premise that the council has depressed the valuation of the site by planning affordable housing. Should this public body not be more au fait with Government priorities and objectives, and will my right hon. Friend look into this matter and try to break the logjam?

The Prime Minister: I will of course look into the matter. There is a need for affordable housing in every part of the country, and we will wish to do the best that we can to meet the target of 3 million new houses by 2020, a very substantial number of them affordable for first-time buyers. I will look into the issue about public sector and private sector land, and I will write to my hon. Friend.

Q3. [184586] **Mr. Robert Goodwill** (Scarborough and Whitby) (Con): At the last election, the Government promised a referendum on the EU treaty. Now, four Labour MPs who are campaigning for that referendum have been told by the Prime Minister that they could lose the Whip. Is it now the case that keeping one's word with the voters is incompatible with membership of the Labour party?

The Prime Minister: What was called the constitutional concept was abandoned, and no country except Ireland is proposing to hold a referendum on the European treaty. The question the Conservatives must answer for themselves is whether, after the ratification of the treaty, they are going to propose a referendum which could mean a fundamental renegotiation of our membership of the European Union. The questions now go to the Conservative party.

Q4. [184587] **Gwyn Prosser** (Dover) (Lab): Next year, Dover gets its high-speed rail link, and regeneration of the town and the port will take off with the potential to create thousands of new jobs; but that will be realised only if the last few miles of the A2—the route to the port—is dualled and upgraded. That work is being thwarted by the South East England regional assembly. Does my right hon. Friend agree that assemblies such as SEERA are preventing places like Dover from reaching their true potential? He will not be surprised to learn that they are all controlled by Tory councillors.

The Prime Minister: My hon. Friend campaigns for the future of Dover with vigour and determination. I agree that urgent decisions on transport are having to be made throughout the country. The A2 is an important regional route. I gather that there has been an application for support from the growth fund, and I suggest that he asks for a meeting with the Department for Transport to discuss these issues.

Mr. James Arbuthnot (North-East Hampshire) (Con): Does the Prime Minister agree it is a real tragedy that following Israel's withdrawal from Gaza in 2005 a rain of rockets has fallen on towns such as Sderot? Now, there has been this most recent suicide bombing. Does he agree that if Israel were given a greater degree of security, the lives of Palestinians would be transformed out of all recognition?

The Prime Minister: I agree entirely with what the right hon. Gentleman says. It is important that we move forward by guaranteeing the security of Israel and then responding to the urgent needs of the Palestinian people. The talks that are taking place, which started at Annapolis and are continuing in talks between Prime Minister Olmert and the leader of the Palestinian Authority, are important if we are to get the breakthroughs that are necessary. I want to see more action dealing with the poverty that now exists in the two areas of the Palestinian Authority, but I also want to be able to safeguard the security of Israel. I shall be talking soon to Prime Minister Olmert about those very issues, and I hope to be able to attend the Palestinians' investment conference to support them in their activities in the next few months.

Q5. [184588] **Mr. Jim Hood** (Lanark and Hamilton, East) (Lab): My right hon. Friend is aware that this Government have done good work in dealing with institutionalised poverty through welfare reform, the minimum wage, working tax credits and minimum income guarantees. Does he agree that there is still much to do, particularly to protect people in the workplace from rogue employers who criminally exploit agency workers by paying them less than the minimum wage and by hiring and firing in breach of the law?

The Prime Minister: That is why we are looking to see how we can progress the agency workers directive and why we created a vulnerable workers forum to examine the problems faced by people in some of the lowest paid jobs in the country. I must also remind my hon. Friend that the biggest single measure that we have taken to protect vulnerable workers—the creation of a minimum wage—was opposed by the Conservative party.

Dr. William McCrea (South Antrim) (DUP): I am a Member of Parliament from Northern Ireland who believes that his home and office phones were bugged for years. What assurance can the Prime Minister give this House that if tapping occurred in the past, it will not continue in the future?

The Prime Minister: A report is made every year by the chief surveillance commissioner—the commissioner responsible for intercepts. He provides the information that is available for people to look at. I would be happy to meet the hon. Gentleman to talk about these issues.

Q6. [184589] **Paddy Tipping** (Sherwood) (Lab): Whoever is elected as the next President of the United States, is it not important that we maintain a strong and close relationship with such a significant ally? Is not the sign of such a relationship a willingness to discuss areas of difference, for example climate change and the middle east, so that together we can make a difference?

The Prime Minister: The relationship between a British Prime Minister and the President of the United States is one of the most important. Every Prime Minister and every President will be very keen to preserve and extend that relationship. As my hon. Friend says, there are genuine issues that we have to discuss together, not least, as he mentions, climate change, and security issues around the world. I shall be meeting US Secretary of State Condoleezza Rice later today to discuss our co-operation on a range of foreign policy issues, including Afghanistan.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): As compensation for breaking his promise on the referendum, the Prime Minister made a new promise to this House. He said that it would be able to consider the treaty incorporating the substance of the constitution line-by-line in a Committee of the whole House, yet not a single clause relating to immigration, asylum and border controls has been, or will be, considered in a Committee of the whole House, be that through line-by-line examination, amendments or a vote. What are his promises worth?

The Prime Minister: We are considering the European Union (Amendment) Bill day by day in the House of Commons in great detail. Let me remind the right hon. Gentleman that he was a member of the Cabinet that denied the British people a referendum on the Maastricht treaty.

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): Is my right hon. Friend aware that the sale of counterfeit cigarettes across south Yorkshire and across the country generally has been described as a ticking health time bomb? A recent committee of Barnsley metropolitan borough council reported the warning that many of those cigarettes contain heavy metals that could screw a person's health. In addition to the activity of the Customs and the police, will he consider a national campaign to raise awareness against this danger and avert a health crisis?

The Prime Minister: I shall look at the issue that my hon. Friend raises, because counterfeit products that are sold to children are a danger indeed. I remind him that legislation is before Parliament to strengthen

sanctions against shops that repeatedly sell cigarettes to children, and on 1 October 2007 the age for the sale of tobacco products was raised from 16 to 18. We will take what action is necessary to protect young people from that evil.

Bob Russell (Colchester) (LD): Within the last hour it has been confirmed that troops from 16 Air Assault Brigade in my constituency are to be deployed to Afghanistan. Last week, I was in Helmand province and I can report that the spirits of our brave men and women are exceptionally high. However, will the Prime Minister take action to ensure that our European allies do more to provide troops on the ground and helicopters and all other logistical support?

The Prime Minister: I am grateful that the hon. Gentleman has visited our troops in Afghanistan. They are doing a superb job, morale is extremely high and they are making a huge difference, not only through the actions they take but in training Afghan troops for the future. The hon. Gentleman is right to say that an announcement has been made by the Secretary of State for Defence about 16 Airborne going to Afghanistan. The hon. Gentleman is also right in that what we are seeking, especially at the NATO summit in a few weeks' time, is a determination on the part of all our allies to ensure that the burden sharing in Afghanistan is fair. We have 15 per cent. of the troops in Afghanistan, and other countries, including Spain and France, have made announcements that they will add to their troops. We need proper burden sharing, not only in personnel but in helicopters and other equipment.

Dr. Nick Palmer (Broxtowe) (Lab): Local developers in my constituency have put forward proposals to build on virtually the entire green belt in the area. I do not expect the Prime Minister to comment on individual proposals, but does he agree with me that Labour stands for sustained, planned development of affordable housing with good public transport available, not for rewarding speculative greed?

The Prime Minister: When we came to power, brownfield was 56 per cent. of new development. We set a target of 60 per cent. and it is now at 75 per cent. as a result of the decisions that we have taken. I shall look at the point that my hon. Friend raises about his constituency, but I can tell him that there is a proposal for an eco-town next to it, and I hope that that will gain some support.

Q9. [184592] **Patrick Mercer** (Newark) (Con): As we have already heard, the next deployment of 16 Air Assault Brigade to Afghanistan has been announced this morning. However, that does not include the 600 extra troops that senior officers in the brigade have requested. They have been told that there are simply not enough fighting men for war on two fronts. Could the Prime Minister personally ensure that there are enough bayonets on the ground to hold the territory that we have so bloodily won against the inevitable Taliban assault in the spring?

The Prime Minister: The statement that I made in December was widely welcomed. I said that our troop numbers would be around 7,800, and we would maintain them at around that number for the foreseeable future. I repeat that we are providing 15 per cent. of the coalition forces in Afghanistan. There are 41 countries making contributions and it is right that there is greater burden sharing. That is also the view of our armed forces, and I will strive to achieve that in both personnel and equipment.

Q10. [184593] **Mr. Brian Jenkins** (Tamworth) (Lab): As a parent, what guidance would my right hon. Friend offer to 15 or 16-year-old youngsters who do not see their future in the sixth form, do not wish to go on to higher education and do not see academic studies as right for them? As Prime Minister, what will he do to allow them to realise their ambitions?

The Prime Minister: My hon. Friend raises a very important point. We know that every young person will need skills in the future to obtain the best jobs available, and that is why those who do not choose the academic route should have the option of apprenticeships or preparation for apprenticeships. That is why we are increasing the number of apprenticeships, which were dying out when we came to power in 1997, to 250,000, and will double that number in the future. I had hoped that there would be all-party support for that, but unfortunately the Conservatives cannot support the long-term investment that we are making in education.

Angela Watkinson (Upminster) (Con): The police want cannabis to be reclassified as a class B drug; so do the mental health profession and the general public, and so do I. The evidence is there; what is the Prime Minister waiting for?

The Prime Minister: I have also given my view, but we are waiting for the report that we have commissioned into that.

Q11. [184594] **Mrs. Linda Riordan** (Halifax) (Lab/Co-op): In Halifax town centre, violent crime has recently fallen by 40 per cent. In congratulating the various agencies involved in achieving that result, will the Prime Minister look to increase the number of police officers in Halifax so that crime continues to fall?

The Prime Minister: I am grateful to my hon. Friend, who refers to excellent work by the police in her area. The reason that is possible is that we now have the highest number of police in our history and we have community support officers. We are building neighbourhood policing for the future. I assure my hon. Friend that we are determined to ensure that people in our country not only see that the streets are safe at night but feel that they are safe.

Mr. James Gray (North Wiltshire) (Con): In answer to the two previous questions, the Prime Minister escaped from his involvement in Afghanistan by talking about jointery with other nations. When I was there last week, in Lashkar Gah and Camp Bastion, I was horrified by the shortage of helicopter availability, which means that our troops are late getting into the line and coming home from it. Will the Prime Minister reiterate what his predecessor said—namely, that whatever our generals need on the front line, he will supply it?

The Prime Minister: We are in constant discussion about what is right for the future. Not only do we have 7,800 troops in Afghanistan, but we are putting new helicopters on the ground over the next few months and we are making available additional equipment. Under urgent operational requirements, we provided £6 billion over the past few years for new equipment, so whatever equipment has been needed, we have been prepared to provide it.

Q12. [184595] **Margaret Moran** (Luton, South) (Lab): In my previous life, I was proud to have been responsible for the building known as Mouse Castle, which was the refuge for suffragettes who suffered starvation and brutality in the fight for women's right to vote. Given that today is the 90th anniversary of women's suffrage, what more does my right hon. Friend intend to do to ensure that more women are represented in this place—more than the one in five who sit mostly on the Labour Benches—in honour of those suffragettes and their suffering?

The Prime Minister: My hon. Friend is absolutely right. We should celebrate the fact that 90 years have passed after the beginning of the suffragette movement. She is also right to say that we are all proud that as a result of our victory in 1997 and subsequently, there are more women in the House of Commons than ever before, and we want to see more after the next general election. I agree with her that there should be a permanent memorial to the campaign that was mounted for the right to vote. Perhaps a monument on Parliament square would be a good indication of the support of the whole country.

Q13. [184596] **Peter Luff** (Mid-Worcestershire) (Con): Bizarrely, the Prime Minister has referred twice in these Prime Minister's questions to the popularity of eco-towns. Obviously, he is not aware of the overwhelming opposition to them in my constituency and that of my hon. Friend the Member for Stratford-on-Avon (Mr. Maples). If he is capable of taking a decision and wants to prove that he is a true democrat, will he take this opportunity to rule out both those sites now?

The Prime Minister: Unfortunately, the Conservative party is not only against eco-towns but against building homes altogether. There have been 60 applications for eco-towns, so it does not sound as though they are unpopular—it sounds as though they are popular. Once again, the Conservative party is on the wrong side of the argument.

Mark Durkan (Foyle) (SDLP): The Prime Minister will be aware that the Police Service of Northern Ireland has issued a public warning about the significant threat from the Real IRA and its need to take profile precautions. I know he will agree that all democratic parties should join in condemning the Real IRA, which is stuck in the Provo thing of the past, but does he also agree that, beyond that proper condemnation, the best thing that all the democratic parties can do to unite in defying and denying the throw-back agenda of the Real IRA is to secure the devolution of justice and policing sooner rather than later?

The Prime Minister: This is our objective: I condemn absolutely any organisation that preaches the cause of violence in Northern Ireland. We have come such a long way over the past few years thanks to the co-operation of all the parties and the people of Northern Ireland. We are determined to build on that with economic prosperity for Northern Ireland in future years and that is what we will do, working with the people of Northern Ireland.

Q14. [184597] **Mr. John Baron** (Billericay) (Con): Now that the Information Commissioner and an information tribunal have instructed the Government to release the John Williams draft of the 2002 Iraq dossier, saying that it could add to what we know about the role that spin doctors played in presenting the case for war and highlighting discrepancies in the evidence produced by the Foreign Office, will the Prime Minister release the document immediately? If not, why not?

The Prime Minister: A decision will be announced very soon.

Q15. [184598] **Ian Lucas** (Wrexham) (Lab): In 2004, the Sharp Corporation of Japan committed investment to Wrexham and the UK for the manufacture of a new generation of photovoltaic cells and renewable energy modules. What effect does my right hon. Friend think that rejection of the Lisbon treaty would have on future inward investment in the UK?

The Prime Minister: We all know that Japan invests in Britain and that it sees Britain as its road into the rest of the European market. We all know that 60 per cent. of our trade is with the rest of the EU. Those people who want to detach us from the rest of Europe are making a huge mistake, not just politically and environmentally but economically. This Government have created 3 million jobs and are determined to create even more.

Chilcot Report

12.30 pm

The Prime Minister (Mr. Gordon Brown): The Government are today publishing the results of work on the use of communications intercepts as evidence. Those results are contained in the report of the committee of Privy Councillors drawn from the three major parties that was chaired by the right hon. Sir John Chilcot. I am grateful to Sir John, Lord Hurd, Lord Archer, and the right hon. Member for Berwick-upon-Tweed (Mr. Beith) for that report. It is thorough, measured, detailed, and unanimous, and it properly reflects both the seriousness and the complexity of the questions that their committee was asked to address.

Let me again pay tribute to our security agencies for all that they do, quietly and effectively, in the defence of our country. I have met and listened to those who lead our agencies, as well as many who serve in them. I praise the expertise, professionalism and courage that they show, often in the most testing and dangerous of circumstances but always in the best interests of our country. I acknowledge, as I believe that all here acknowledge, that what they do defends our freedom, protects our security and saves lives.

The use of intercept in evidence characterises a central dilemma that we face as a free society: preserving our liberties and the rule of law while at the same time keeping our nation safe and secure. In July, in the first statement that I made on security to the House, I said that I favoured the principle of using intercept material as evidence in criminal cases if, but only if, a way could be found to do so while protecting the higher interests of national security. I therefore invited the cross-party Chilcot committee to advise on

"whether a regime to allow the use of intercepted material in court can be devised that facilitates bringing cases to trial while meeting the overall imperative to safeguard national security."

Today, I am publishing a version of the Chilcot committee's report. The committee itself has prepared this version, which omits—in the interests of national security—certain sensitive facts and arguments. Its main conclusions and recommendations, however, are exactly those of the full report.

Briefly, the report examines in detail both the potential benefits of accepting intercept as evidence and the risks that might arise from such acceptance. However, it concludes that it should be possible to find a way to use some intercept material as evidence, provided—and only provided—that certain key conditions can be met. Those conditions relate to the most vital imperative of all: safeguarding our national security. The Government accept that recommendation, and take the accompanying conditions very seriously.

Intercepts are strictly controlled under the 2000 legislation. Interception is allowed only if it is necessary to obtain information that could not be acquired in another way, and any interception must be proportionate to what it seeks to achieve. The relevant decisions of Ministers are overseen by a senior judge and by the interception of communications commissioner, who reports at least annually. In addition, an investigatory powers tribunal exists to consider complaints from the public, and it has powers to order appropriate remedies.

The most recent figures for numbers of interception warrants are in the interception commissioner's annual report, which was published on 28 January. A total of 1,435 intercept warrants were issued in the last nine months of 2006 and that compares with 2,407 in the previous 15 months.

The Chilcot report notes that there are already limited circumstances in civil and terrorist proceedings where intercept can be used in evidence. Each of those instances includes appropriate protections, such as closed proceedings, to ensure that the use of intercept does not put our national security at risk. For any new regime, the Chilcot report sets down conditions. It starts from the proposition that

"any material risk to the strategic capability of the UK's intelligence agencies would be unacceptable",

and that

"Any disclosure of interception capabilities could have a profound impact on national security".

That is right. The report also says that any resulting reduction in inter-agency co-operation

"could have a profound impact on law enforcement agencies' ability to combat serious crime and terrorism",

and the Government also agree with that assessment.

The report sets out nine conditions in detail. They relate to complex and important issues, and include: giving the intercepting agencies the ability to retain control over whether their material is used in prosecutions; ensuring that disclosure of material cannot be required against the wishes of the agency originating the material; protecting the current close co-operation between intelligence and law enforcement agencies, which is crucial; and ensuring that agencies cannot be required to transcribe or make notes of material beyond a standard of detail that they deem necessary.

The committee that reported to us acknowledges that further extensive work is needed to see whether and how those and other conditions—intended to protect sensitive techniques, safeguard resources, and ensure that intercept can still be used effectively for intelligence—can be met. That is a unanimous recommendation that the Government accept, so we will proceed to develop a detailed implementation plan under which material might be made available for use in criminal cases in England and Wales, strictly subject to all the Chilcot conditions being met. The report is clear that if the conditions could not be met, intercept as evidence should not be introduced, and the Government accept that.

Similarly, the committee recommends that in the event of a regime being introduced that later fails to meet the Chilcot conditions or otherwise threatens our security, that regime should be removed pending the introduction of another, under which the conditions can once again be met. The Government also accept that recommendation. The report also states that the committee has seen no evidence to suggest that the need for measures such as control orders would be reduced by the introduction of intercept as evidence.

Designing a regime to meet the Chilcot conditions will require, as the committee notes, a substantial programme of work, covering legal, operational and technical issues. The work must involve and engage the intelligence agencies, Government Departments, the legal system, and those responsible for communications. The

[The Prime Minister]

Chilcot team have made it clear to me that the necessary work should be led by an implementation team within Government, which should move ahead comprehensively and quickly. However, the Chilcot team also told me that they would not expect the work to be concluded in time to inform the Counter-Terrorism Bill currently before Parliament.

The Government strongly believe that it is in the national interest to draw on a wide range of expert external advice. The cross-party nature of the Chilcot report has been of great value. I am therefore grateful for Opposition parties' agreement that Sir John Chilcot, Lord Archer, the right hon. Member for Berwick-upon-Tweed and another member to be nominated should advise on Privy Councillor terms during the next stage of the work.

The Chilcot report also notes that communications technology is changing rapidly; there is a switch towards internet protocol communications, with the clear implications that that brings for our security. Accordingly, we have launched the interception modernisation programme to update our capability to ensure that, under those new circumstances, our national interests will continue to be protected. The new regime for intercept as evidence must be designed to work safely and effectively for that new capability, too.

As the Chilcot report states, the challenges ahead are complex and must not, and will not, be underestimated. The Government acknowledge and endorse the valuable work of the committee, and are grateful for the committee's support in our continuing efforts to meet the double challenge that we face as a nation. The challenge is at all times and without fail to protect our nation's security while advancing the rule of law. This we will always seek to do. I commend the statement to the House.

Mr. David Cameron (Witney) (Con): May I first thank the Prime Minister for his statement, and join him in paying tribute to our security services? Nothing matters more than our national security and keeping us safe from terror. Our aim should be to catch, convict and imprison more terrorists. Last year, I pressed Tony Blair to make intercept evidence available in court. When he was not prepared to take that up straight away, I suggested that a cross-party committee of Privy Councillors look at how intercept might be used in court. I am glad that that work is now complete. I join the Prime Minister in thanking all of those who took part. They have done their job, and now he must do his. Will he confirm that the implementation group that he intends to set up will not be a talking shop for further delay, but a vehicle for making the recommendations happen? Will he give us a commitment to Government legislation as soon as possible?

Does the Prime Minister agree that up till now there have been four issues that have held back the use of intercept evidence in court: first, a clear recommendation from an independent body that that is the right and necessary thing to do to protect our country; secondly, a lack of a clear understanding of the benefits that it could bring in criminal and terrorist trials; thirdly, a satisfactory method of protecting vital intelligence-gathering techniques; and fourthly, a legal framework to ensure that the effective use of intercept in court can happen while maintaining a fair trial? Does the Prime Minister agree that the report effectively gives good answers to all four questions? Let me take them in turn.

First, the report is admirably clear when it says:

"We therefore agree with the principle that intercept as evidence should be introduced."

Does the Prime Minister agree that, as this is the first Government-commissioned report by a group of people who are independent from the Government, that is an incredibly powerful recommendation? Secondly, on the real benefits of using intercept in court, does the Prime Minister agree that the report does not just cite experience from abroad, but quotes the UK's Crown Prosecution Service? Is not the CPS clear that the use of intercept will significantly influence the course of trials and—it finds—lead to more guilty pleas and fewer abortive trials?

The third issue is the importance of protecting intelligence sources and methods. Does the Prime Minister agree that the report is extremely helpful in that respect, too? In particular, does he agree with the report when it states that

"Australia does appear to us to be a compelling example of how intercept as evidence can be used in a Common Law jurisdiction"?

Is it not extremely helpful that the report states:

"The Australian example, in particular, provides a number of interesting ideas for how the UK could attempt to derive benefit from intercept as evidence, whilst not unacceptably increasing the risk of disclosure to intelligence agencies and their sensitive capabilities and techniques"?

Fourthly, there is the question of legal model to get the recommendations right. The issue is how we both protect intelligence sources and maintain a fair trial. Does the Prime Minister agree with the report specifically that a reinforced system of public interest immunity could enable the evidence to be used in a way that protects the intelligence services, but guarantees a fair trial?

Finally, let me ask about plans for implementation. The report will mean nothing unless it is implemented. I know that the Prime Minister is establishing a cross-party advisory group. Will he guarantee that he will accept our nomination of a Privy Councillor for that group? Does he understand that there will be a nagging suspicion that setting up another committee to look at the implementation of the recommendations will lead to delay? Does he accept that there will never be unanimity in Whitehall on the matter? Another committee will deliberate, reflect and no doubt have different views. That is what committees do. That is what happens in Whitehall. Does he agree that, at the end of the day, it is a political decision and has to be made by a politician—and that means him?

It is clear what needs to be done: intercept in court so that we catch, convict and imprison more terrorists. Does the Prime Minister agree that we must not put off endlessly what needs to be done?

The Prime Minister: I am grateful for the right hon. Gentleman's general support for what we are doing, and I am grateful for the degree of all-party consensus that has developed. The actions that we are taking with the implementation group are a vehicle not for delay but for getting on with implementation. I agree that we want to achieve legislation as soon as possible.

If the right hon. Gentleman accepts the report's conclusion, he must also accept that the Chilcot team—including representatives from his party—acknowledge that a considerable amount of work remains to be done. They do not conclude that all the questions have been answered and that all that is lacking is political will. They conclude that what we need to do is look in detail at the legal and technical implications that arise from their wish to see the right balance struck between liberty and security.

The report does not say that Australia is the model for how we should move forward. It uses Australia as an example of where it has been possible to have intercept as evidence, but it does not propose that we accept the model that is used in Australia, which is quite different from the public interest immunity proposal that the right hon. Gentleman accepts has been put forward by the committee.

We have always accepted in principle the case for doing this. We have always hoped that clear benefits would be available. The Metropolitan police survey of terrorist cases shows that the rate of prosecution could rise from 88 to 92 per cent. However, the committee also shows that considerable hurdles need to be crossed. It wants the intercepting agencies to have the ability to retain control over whether the material is used in prosecutions. It wants to ensure that disclosure of material cannot be required against the wishes of the agency originating the material, and that agencies cannot be required to transcribe or make notes on material beyond the standard of detail that they deem necessary.

All those issues will have to be looked at in considering the demands of courts and court cases. I believe that a considerable amount of work still needs to be done. I am glad that we have an all-party agreement to move forward. I hope that the right hon. Gentleman understands that there are technical and legal issues to be resolved. The purpose of the advisory group is to continue with the all-party co-operation, and I look forward to the nominations to be put forward by his party.

Mr. Nick Clegg (Sheffield, Hallam) (LD): I, too, thank the Prime Minister for advance sight of his statement and the report. I pay tribute to Sir John and all his colleagues for having produced what is self-evidently a very thorough and rigorous report on a sensitive and delicate issue. I warmly welcome the fact that they have opened the door to allowing intercept evidence to become admissible in court, even though that door is only ajar and further work needs to be done to make the recommendation a reality. We have long argued that intercept evidence should be admissible in court, in keeping with so many other jurisdictions around the world. That is part of our wider belief that we can and should do more to strengthen our judicial system so that there are more prosecutions in anti-terror cases.

I welcome the Prime Minister's emphasis on a cross-party approach on this issue; I regret that there is not that emphasis on other important issues in the anti-terrorism debate—notably, the extension of the period of detention without charge. Given that we have made so much progress on this issue and on issues such as post-charge questioning, I urge him to revisit the need for a further extension—to up to 42 days—of the period during which the police can detain people without charge.

May I ask the Prime Minister three specific questions about the mechanics of what happens after the production of the Chilcot report? First, I acknowledge and understand that it is unlikely if not impossible for any further implementation recommendations to be produced during the passage of the Counter-Terrorism Bill through the House. However, will he be more specific and commit that the work will at least be complete during this Parliament? Without a timetable, legitimate fears will be provoked that there will just be delay on delay in the crucial implementing phase of the process.

Secondly, will the Prime Minister clarify exactly what the relationship will be between the implementation group and the advisory group? It is, of course, a good thing that the advisory group will have a cross-party composition, but if it is to have a somewhat passive, observatory role, it will not fulfil the function that many people want it to fulfil: to hold the implementation group's feet to the fire to ensure that the Chilcot report recommendations are followed up in detail in the months ahead.

Finally, although I realise that it would be inappropriate to name the individual civil servants in the implementation group, will the Prime Minister at least enumerate which Departments and agencies will be part of it, so that once it reaches conclusions there will be an endorsement, on behalf of all the Government and all the Government agencies, of the group's implementing recommendations?

The Prime Minister: I thank the right hon. Gentleman for his general welcome for our proposals. At the end he raised issues about the nature of the implementation group; perhaps we can arrange talks on Privy Council terms about how that will move forward. I agree that in principle it is right to do this, and I have always thought that there is a very strong case for doing so if we can find the means. The problem is that although we can draw parallels with other jurisdictions, ours is distinctive—not just because of the adversarial system and the European convention on human rights, but because of the special capabilities that we have in Britain and our co-operation with overseas services.

I hope that the right hon. Gentleman agrees that, as the committee has told us, the position on control orders has not changed. I would like to think that we could have the same degree of consensus on the proposal about questioning and the 42 days. I still believe that the proposal put forward by Liberty which he and the Conservative party supported is a basis for moving forward. In the legislation that we put forward, we have made proposals in line with that. I hope we can have discussions on that in the future.

On the distinction between the implementation team and the advisory group, let me make it clear that an implementation group was recommended by the Chilcot committee. It did not feel that it could continue with the technical and legal work on its own, and it suggested that we set up an implementation committee. The advisory committee will be there, as its name suggests, to advise as we go through the work.

Keith Vaz (Leicester, East) (Lab): I warmly welcome the Prime Minister's statement and the speed with which he has accepted Sir John Chilcot's recommendations. As he knows, this is entirely in keeping with the Home Affairs Committee's decision of 11 December to recommend that intercept evidence be used. In view of the current climate, is he satisfied that the robustness exists for the accountability and supervision of the whole area of surveillance? Once he receives the Rose report, if he is not satisfied will he—at the risk of exciting the Leader of the Opposition—initiate a review of this area, to ensure that it is robust and that there is proper accountability and supervision?

The Prime Minister: The remit of the Rose review was set out by the Justice Secretary on Monday. It will report very quickly—in two weeks' time, when the Justice Secretary will come and make a statement. I welcome my right hon. Friend's support for what we are doing on the major issue of the use of intercepts in evidence.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): Obviously the House will applaud the decision to move forward. It will be important, however, to ensure that the trials are fair and that the interests of the defendants are taken into account. That being so, please could the implementation group contain people with current experience of representing defendants in criminal cases, or at least take urgent and clear advice from such persons? The interests of the defendants must be taken into account.

The Prime Minister: This will all be taken into account. I do not know whether the right hon. and learned Gentleman is volunteering for the work—

Mr. Andrew Robathan (Blaby) (Con): Yes!

The Prime Minister: There seems to be some support for that on the Opposition Front Bench. We will look at all these issues. It is important that we look at it from the point of view of how a trial will look in the future. I suggest that the right hon. and learned Gentleman look at the section in the report on public interest immunity certificates. He might find that the way that is being suggested by the committee is to his satisfaction.

Mr. David Winnick (Walsall, North) (Lab): No one in this House underestimates for one moment the terrorist danger to our country and our people. If, arising from the Prime Minister's welcome statement today, there is near all-party agreement on many measures, not least on combating the acute danger of terrorism, will the Government give serious consideration to the question of detention without charge? No evidence whatever has been produced to justify going beyond 28 days, and the Director of Public Prosecutions has said that he is quite satisfied with 28 days. Why create this division when there is no necessity to do so?

The Prime Minister: My hon. Friend brings the issue back to 42 days, but I have to say that the Home Affairs Committee, of which he is a member, has said that as a precautionary principle it might be necessary to move beyond 28 days. The issue is not whether, in principle, it is necessary at some stage to move beyond 28 days. The real question is whether we can find agreement on how we do it. I hope that we can find that way forward.

Mr. Alan Beith (Berwick-upon-Tweed) (LD): Will the Prime Minister note that the group received unlimited co-operation from the agencies and other bodies, and from many individuals, and unstinting support from our very small staff? May I take it as a clear political commitment that the Prime Minister intends to bring in a regime that ensures that guilty people are locked up on the basis of good evidence, and that he intends to do so while ensuring that all the safeguards for vital national security intelligence, as well as the intelligence needed for the pursuit of crime, are in place?

The Prime Minister: That is exactly what we want to do, but the conditions or tests that have been set down by the Chilcot committee—of which the right hon. Gentleman was a distinguished member; I thank him for his work—are of a legal and technical nature and have to be worked through. I think that he would agree that his committee recommended that, if we could not find satisfactory answers to these conditions, we should not recommend moving ahead. It is our hope that we can find satisfactory answers, but it is important that the tests are met and that the conditions that have been set down are satisfactorily delivered. That is the next stage of the work of the implementation group, and I hope that the right hon. Gentleman will join the advisory committee to work with it.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): Will my right hon. Friend acknowledge that intercept evidence, such as that connected with the recent Crevice trial, has been used to prevent some appalling terrorist atrocities in this country? Will he ask those responsible for taking this work forward to take into account the fact that, if such evidence is to be used in court, it could inhibit important operations?

The Prime Minister: My right hon. Friend takes a great interest in these matters, and has a great deal of experience of them. I thank him for his observation. Intercept evidence can be hugely important. As I said in my statement, it is already used in certain instances. The important test now is to ensure that, if we are to use it, the conditions set down by the Chilcot committee are met. When my right hon. Friend looks at those conditions, he will see that they are strenuous, but, for the safety and security of the security services, it is important that we meet them.

Hywel Williams (Caernarfon) (PC): Plaid Cymru welcomes the use of intercept evidence in court, not least because it might reduce the pressure for pre-charge detention. The report defers to the experience of many other countries. Will the Prime Minister highlight what particular lessons the Government learned from the experience of those other countries in this regard?

The Prime Minister: A great deal has been learned from the attempts that have been made in other countries to use intercept evidence in court. However, I must draw to the hon. Gentleman's attention the observation of the committee—and my reading of the

report—that Britain has a very distinctive system. We have an adversarial system, we are subject to the ECHR—which is not true of Australia or America—and we have a high level of co-operation with other intelligence agencies around the world. We also have the kind of high degree of co-operation between the police and the security services that sometimes does not exist in other services. The solutions to the challenges that we face in Britain will be unique, which is why a different model from that of other countries is being proposed for examination by the Chilcot committee. I hope that, when the hon. Gentleman looks at the committee's work and the tests that it has set, he will see that we are providing a British solution to the problem.

Dr. Gavin Strang (Edinburgh, East) (Lab): May I thank the Prime Minister for making this statement himself? He will be well aware of the reasons why some right hon. and hon. Members are opposed to the use of intercept evidence in court. I applaud his decision to give the go-ahead to the programme of extensive and comprehensive work to which he referred, and to which the report refers. May I invite him to ask the Leader of the House to facilitate a debate on the Chilcot report in the House of Commons in due course?

The Prime Minister: It will be a matter for the House as to whether there is a debate on these issues. The Chilcot report asks for more work to be done, and I hope that it can be done quickly and with a degree of comprehensiveness so that people can be satisfied that we have dealt with the issues that the report raises. I am sure that there will be an occasion that we, as a Government, will find to make it possible for a debate to take place.

Jeremy Wright (Rugby and Kenilworth) (Con): The Prime Minister will recognise that when the prosecuting authorities in criminal courts wish to avoid the disclosure of an observation site, for example, they can make an application under the public interest immunity procedure. If that application is unsuccessful, they always have the option of not proceeding with the prosecution. As that system already exists and works well, could not any adaptation of it necessary for the use of intercept evidence be done sooner rather than later, given that the Government have—rightly, in my view—decided that this proposal is a good idea?

The Prime Minister: If that were the only issue, it might be possible to move more quickly. When the hon. Gentleman reads the Chilcot report, he will find that there are nine tests, rather than just one. I am sure that the right hon. Member for Berwick-upon-Tweed will agree with that. The report raises issues such as the protection of sensitive techniques used by the intelligence services; the safeguarding of resources—which will be an important issue—as well as ensuring that intercept can still be used effectively for intelligence; and the protection of the present close co-operation between intelligence and law enforcement agencies. All those issues must be dealt with, and I would be failing in my duty to the House if I did not say that the Chilcot report leaves us with very big hurdles to overcome. I believe that they can be overcome, but the technical and legal work that is necessary to do that will have to be comprehensive.

Mr. Andrew Dismore (Hendon) (Lab): I warmly welcome my right hon. Friend's announcement. The Joint Committee on Human Rights first recommended the use of intercept evidence almost two years ago and has repeated that recommendation in a series of reports since then. Its use would bring us into line with international practice. Will my right hon. Friend consider releasing the public interest immunity plus work that has been done so far, as we have asked, which would inform the debates on this matter? Will he consider whether it is possible to include in the Counter-Terrorism Bill enabling powers to proceed with this issue should it be possible to do so at an earlier stage?

The Prime Minister: That was not the recommendation of the Chilcot report. When I met the membership of the committee, we had a detailed discussion about some of those issues. If we said that enabling legislation could be introduced before we had reached a solution to some of the problems that had been raised, we would raise false expectations that we had such solutions. Those solutions still have to be found, and the legal and technical work still must be done. Obviously, whatever information can be made available to the Committees of the House of Commons will be made available. When my hon. Friend looks at the report in detail, he will find that the Chilcot committee is not recommending that we rush ahead without having done the legal and technical work but that we do that work before we make a final decision.

Sammy Wilson (East Antrim) (DUP): The Prime Minister will be aware of the increased security threat posed by the dissident IRA groups in Northern Ireland and the sophisticated criminal gangs now operated by former paramilitaries. The police in Northern Ireland have said that the use of intercept evidence would be very useful to them in stamping out the crimes associated with such activity. Given that the security services are now carrying the main responsibility for intelligence gathering in Northern Ireland and that policing and justice are not devolved, can the Prime Minister explain why, if intercept material is to be used, its use will apply only in criminal cases in England and Wales and will not be extended to Northern Ireland?

The Prime Minister: This is a recommendation of the committee, in the first instance, in relation to public interest immunity certificates. That is why, for example, the use of such material could not be applied immediately to Scotland, but I will consider the points that the hon. Gentleman has raised.

Martin Salter (Reading, West) (Lab): The Prime Minister is aware that the Home Affairs Committee, in our all-party report on counter-terrorism, concluded that intercept evidence should be used in terrorism trials. However, we also concluded that on its own it was no substitute for other measures—in other words, it was no silver bullet—and that those other measures could include an extension of pre-charge detention for a temporary period and only in exceptional circumstances where the security services were overwhelmed by multiple plots.

The Prime Minister: My hon. Friend is absolutely right. The committee investigated that issue and concluded that the use of intercept evidence does not alter the necessity for control orders. Nor does it preclude a debate about an extension of detention beyond 28 days. I am grateful for the work of the Home Affairs Committee, which has reported on these matters on two occasions, and made the case for precautionary action in view of what it believes may happen in future. The issue is whether we can find an agreement that not only recognises in principle that it is right to move forward, but leads to a practical scheme to which everyone can agree.

Mr. Henry Bellingham (North-West Norfolk) (Con): I welcome today's statement. Can the Prime Minister confirm that the official Opposition will have the opportunity to nominate a Privy Councillor to the working party? What would happen if the prosecuting authority were determined to use intercept evidence but the intercept agency had different views. Who would have the final say?

The Prime Minister: In my statement I did read out that one of the conditions outlined in the Chilcot report included, "Giving the intercepting agencies the ability to retain control over whether their material is used in prosecutions", so it is clear that the committee acknowledges that the key which unlocks the possibility of using intercept evidence is held in the first instance by the security agencies. I think that, on reflection and on reading the report, the hon. Gentleman will probably agree that that is the right conclusion. It is one of the tests that have to be met. Of course we welcome the nomination of a Privy Councillor to the committee, and we will agree on that.

Mr. John Spellar (Warley) (Lab): I welcome the report and the Government's response but may I express some concern at the response of the Leader of the Opposition, who seems to be following the shadow Home Secretary in arguing that this is all simple, straightforward and easy, whereas the Chilcot report suggests the contrary? Will my right hon. Friend ensure that the very desirable objective of catching and convicting terrorists is balanced against the equally desirable and necessary objective of preventing terrorist outrages in the first place, whether at home or abroad?

The Prime Minister: I have said that we will do nothing to put the security of our country at risk or, as I have said directly to them, to put in jeopardy the work of our security agencies. In common with my right hon. Friend, I disagree with the Leader of the Opposition when he says that it is only a matter of political will. The committee makes it absolutely clear that there are considerable legal and technical challenges that must be overcome. That is why we will work in detail on an implementation regime. I believe that we can move forward, but we must not underestimate the real issues that have been raised by the Chilcot committee, which must be dealt with.

Dr. Evan Harris (Oxford, West and Abingdon) (LD): Does the Prime Minister accept that the committee indicated in paragraphs 49, 59 and 210 of its report that there was potential for a limited or modest increase in the number of prosecutions, although he did not make reference to those recommendations in his statement, and that if that is the case, then taken together with post-charge questioning and the use of the threshold test by the prosecutors, that must decrease the justification for an increase in pre-charge detention?

The Prime Minister: I do not accept that. In some cases, the use of intercept evidence will make it necessary for the police to have a longer period assembling evidence. As for his point about my not mentioning to the House any studies that have been done, I did mention the Metropolitan police study, which said that the chance of successful prosecutions in terrorist cases was increased from 88 per cent. to 92 per cent. That is a limited rise in the number of prosecutions, but we must take it into account. I urge the hon. Gentleman not to confuse the debate about the use of intercept evidence in a court with the problems that the police have in assembling evidence given the complexity and sophistication of terrorist groups in the first place.

Margaret Moran (Luton, South) (Lab): I welcome this review, which I seem to recall the Leader of the Opposition railing against a few short minutes ago. Can my right hon. Friend assure me that this further work will include consideration of the complexity of the technology, data sharing and safeguarding issues, which are currently extremely confused, not only in terms of security but of the public services? Does not that complexity add to the argument for greater pre-charge detention time to enable the intercept evidence to be more closely and forensically analysed to secure evidence and thus the security of the UK?

The Prime Minister: I am grateful to my hon. Friend, who has taken a great interest in this matter. It is important to recognise—it is sometimes misunderstood in debate in the House of Commons—that in principle all parties have said that there is a case for going beyond 28 days' detention; it is just the vehicle by which we go beyond that which is an issue. The Liberal and Conservative parties thought that they could support the proposals put forward by Liberty, which meant that there were circumstances in which we could go beyond 28 days. The issue then, having accepted in principle that it may be necessary to go beyond that limit, is the nature of the mechanism by which that can be agreed. At the moment, the Conservative and Liberal parties cannot agree with the proposal that we have put forward, but I have to tell them that in principle they have already said that they agree that it may be necessary to go beyond the 28-day period.

Patrick Mercer (Newark) (Con): I welcome the consensus that has been reached on intercept evidence. I absolutely understand the safeguards that need to be put in place and the comments that the Prime Minister made to my hon. Friend the Member for Rugby and Kenilworth (Jeremy Wright). The fact remains that in the 1980s I was a practitioner of intercept in Northern Ireland; this issue has been around for a very long time. May I urge the Prime Minister, please, to make as much speed as possible with this, because the interception and prosecution of terrorists and the deterrence of terrorist crime is so important, as he knows?

The Prime Minister: Let us remember that for all these 20 years intercept has been used; it is just that it has mostly not been used in courts of law. The question now is whether we can establish a scheme that will work. We have already agreed that the British system is unique and that the scheme cannot simply be one taken off the shelf from other countries. I believe that all the parties now agree that certain tests have to be met. We are going to proceed speedily and comprehensively to answer those questions. I hope, like the hon. Gentleman, that we will be able to come up with a conclusion that is satisfactory to all parties in the House.

Point of Order

1.9 pm

Mr. David Marshall (Glasgow, East) (Lab): On a point of order, Mr. Speaker. As you know, I have lived in Shettleston for almost 40 years. That area has improved greatly in recent years and the vast majority of local residents are decent law-abiding citizens. Was it therefore in order for the right hon. Member for Chingford and Woodford Green (Mr. Duncan Smith) to appear yesterday at Celtic Park, in my constituency, without even having the decency to let me know he would be there? He then launched a damaging and vitriolic attack on the people of Glasgow in general and on Shettleston in particular, when everyone knows that it was 18 years of Tory Government that caused most of the city's problems, especially unemployment. Is there any way in which the right hon. Gentleman can be made to apologise to the people of Glasgow and my constituents?

Mr. Speaker: That is not a point of order. This is a difficulty that I am being drawn into regularly. There is a courtesy that applies to right hon. and hon. Members, by which they should notify the local Member of Parliament when they come into their constituency. That should be done at all times. That courtesy should be adhered to.

Race Relations (Election Candidates)

1.10 pm

Keith Vaz (Leicester, East) (Lab): I beg to move

That leave be given to bring in a Bill to exclude from the operation of the Race Relations Act 1976 and the Race Relations (Northern Ireland) Order 1997 certain matters relating to the selection of candidates by political parties.

The United Kingdom is a diverse nation. A snapshot of what it means to be British today would surely provide us with a mosaic reflecting the many cultures, ethnicities and religions that make up our population. Post-war and post-colonial migration flows have enriched our country with more than just numbers of people. Every town, city and region has benefited from Leicester to London, from Wembley to Wigan and from Sunderland to Southall. It is not only the composition of our population that has changed, but the composition of our national identity—our Britishness.

The change in our national identity must be reflected in the way we think of ourselves as a country, represent ourselves to others and, most importantly, in the composition of our Parliament. It is that change that must be reflected, and I intend to address it in my Bill. I am delighted to see the Leader of the House of Commons, who is also the Minister for Women and Equality, on the Front Bench because she has championed the cause of equality throughout her long political life.

There are currently 15 ethnic minority Members of this House: 13 Labour Members and two Conservatives. As the House knows, the 2001 census reported a 50 per cent. increase in our ethnic population over the last 10 years. The lack of such representation in Parliament is therefore truly disappointing. If Parliament were to reflect adequately the population of ethnic minority citizens, there would be 58 ethnic minority Members of this House. At the current rate at which ethnic minority Members are taking up seats in Parliament, it would take 75 years to achieve a proportion that would reflect the ethnic minority population of our country.

Since 1987, when I was elected along with the hon. Member for Hackney, North and Stoke Newington (Ms Abbott), Mr. Paul Boateng and the late Bernie Grant, progress has been painfully slow. There were two more ethnic minority Members in 1992, three more in 1997, two more in 2001, four in 2005, and five in by-elections over the last 21 years. It is not that there is a lack of talent, numbers or desire to come to this place, but it is clear that ethnic minorities still face proportionately more hurdles than others in getting elected to this House. This Bill seeks to address the problems of imbalance in representation through the democratic decisions of our political parties, but there is no miracle cure.

The race issue does not have to be divisive; race can be used in a positive way to electrify the political process. Striving for the Democratic nomination in the United States, we have a candidate who embodies the multi-ethnic, multicultural and international character of its society: Barack Obama. Born to a Kenyan father and an American mother, and having spent part of his childhood in Indonesia, Senator Obama is a poster boy for the integration and amalgamation that has taken place globally—the mixing of cultures and consequent reforming of identities.

The American system is, of course, different from ours. An individual in that country can seek and win their party's nomination at a local, state, and national level through their force of personality and their ability to secure funding. The party structure cannot stop them. In Britain, that is not possible: we have a strong party system. However, so far that system has delivered just 23 ethnic minority Members of this House in the history of British politics. Those dismal facts speak for themselves. We need to change our attitudes and the law so that a new vision can be made a reality.

I would invite Members to look at what a change in the law did for the representation of women in Parliament. A few years ago, Parliament legalised all-women shortlists in elections. The result was that for the first time in history, there were more women in the new intake than men—65 per cent. were women. All women-shortlists were described at the time as a "hammer to break the glass ceiling". That ceiling now needs to be broken for ethnic minorities. The changes in 2002 highlighted how shortlists allow us to take a step ahead on the road to a more equally representative Parliament. Since the election of Nancy Astor as the first female Member of Parliament, 290 women have taken up seats. That is, as I am sure the House will know, not even half of a single parliamentary intake.

The Bill proposes to allow for the creation of shortlists on the grounds of ethnicity in the selection of parliamentary candidates. It will be a voluntary, optional means of addressing the imbalance we see today, and it will not oblige or compel parties in any way. Positive action is achieved by exempting the selection of candidates from the provisions of the Race Relations Act 1976. Clause 1 will insert a new clause in the 1976 Act, exempting registered political parties from the main provisions of that Act, provided, of course, that that process is adopted for the purpose of reducing inequalities for the different ethnic groups from which individuals are elected. Clause 2 allows for the exact same provisions to be made in Northern Ireland, aside from one difference, namely that it allows for this process to apply to the Northern Ireland Assembly and to district councils, as well as to elections for the Westminster and European Parliaments. Clause 3 is a sunset clause, which provides that the Act will expire in 15 years' time, unless extended by an order of the Secretary of State.

Some may argue that a problem exists regarding which boundaries and terms can be used to define an "ethnic minority". I can assure the House that ethnic minorities know exactly who they are, and so do the political parties; they will be well able to identify them. The creation of ethnic minority shortlists will undoubtedly see more ethnic minorities taking up seats in Parliament, which will mean a Parliament that mirrors the society it represents, a Parliament that citizens can identify with and a Parliament that better reflects their needs. It will encourage many more to engage in civic society and afford them a greater sense of belonging.

In the 21st century politics of our country no one must be left out. The Bill will allow parties to be more creative in the way that they choose parliamentary candidates, while remaining an optional, not compulsory, measure. The Conservative party already has a fast-track system, called the A-list, which, only two weeks' ago, produced a black woman as a successor to the right

hon. Member for Maidstone and The Weald (Miss Widdecombe). Organisations such as the 1990 Trust and individuals such as Simon Woolley of Operation Black Vote have long campaigned for more equal representation, and on the need to address this deficit in our democracy. The Under-Secretary of State for Innovation, Universities and Skills, my hon. Friend the Member for Tottenham (Mr. Lammy) has also informed me that he supports the Bill.

This Bill is merely the beginning. I do not pretend that it is a long-term solution but it is the one thing we can do today that will bring about a speedy change. We must target both ends of this problem. The ball is now firmly in the court of the Prime Minister, the right hon. Members for Witney (Mr. Cameron), for Sheffield, Hallam (Mr. Clegg) and for North Antrim (Rev. Ian Paisley), the hon. Members for Moray (Angus Robertson) and for Meirionnydd Nant Conwy (Mr. Llwyd), and their respective political parties. With the selection of parliamentary candidates for the next election well under way, the Bill is a wake-up call for the political parties. We have waited long enough. It is time for more action and less talk. Let us begin the process of change, and let us start now.

1.19 pm

Philip Davies (Shipley) (Con): I do not wish to detain the House unduly, but I must oppose the Bill. I am a member of a fine organisation called the Campaign against Political Correctness. In my maiden speech, I made it clear that, in my time in Parliament, one of my aims was to try to speak out as often as possible against the scourge of political correctness, which is taking over too much of our country.

The right hon. Member for Leicester, East (Keith Vaz) knows that I like and respect him in equal measure—[Hon. Members: "But?"] There are no "buts". I hope that he will reflect on the irony of the fact that he, as a campaigner for many years on racial equality, has stood up in Parliament today and asked the House to exclude matters from the Race Relations Act 1976 and the Race Relations (Northern Ireland) Order 1997. He goes against something for which he has campaigned for many years.

We must imagine our reaction if a Member of Parliament tried to introduce a Bill to provide for exempting the selection of candidates from the Race Relations Act so that we could have white-only short lists. The right hon. Gentleman would rightly be up in arms about any such proposal. I do not see any legal or moral difference between a white-only short list and an ethnic minority-only short list. The Bill constitutes good, old-fashioned positive discrimination, which is just that: discrimination.

The right hon. Gentleman may argue that people from an ethnic minority have, in the past, faced discrimination in the selection processes of all political parties. I do not know much about selecting candidates for the Labour party.

Sammy Wilson (East Antrim) (DUP): Will the hon. Gentleman give way?

Philip Davies: Yes.

Mr. Speaker: Order. That is not permissible.

Philip Davies: I apologise to the hon. Member for East Antrim (Sammy Wilson).

I am sorry if the right hon. Member for Leicester, East claims that people from ethnic minorities face discrimination from Labour party selection committees. That is a sad reflection on today's Labour party.

If people from ethnic minorities have faced discrimination in the past, that is unacceptable, but my solution would be to remove the discrimination. Surely the answer cannot be to discriminate against other people in favour of those from ethnic minorities.

I believe in equality. Surely true equality should mean selecting people on merit, irrespective of their racial background. Selection meetings should be colour blind and people should not think, "Shall I pick this person simply because of their colour?" I believe in equality of opportunity, but I do not share the right hon. Gentleman's desire for equality of outcome.

The right hon. Gentleman talked of a Parliament "that mirrors the society it represents." I hope that he understands what that means. Part of our society is made up of dangerous criminals. Is he arguing that a proportion of Members of Parliament should be dangerous criminals? The Bill constitutes a slippery slope.

The measure would make race relations in this country worse. It would build up needless resentment that otherwise would not exist. All hon. Members should get here under the same process. The right hon. Gentleman would do well to speak to the hon. Member for Blaenau Gwent (Mr. Davies), who is, as usual, in his place. That once safe Labour stronghold was obliterated in one election simply because the Labour party insisted on picking a female candidate rather than drawing up a short list that would mean selecting the best person for the job. Consequently, the Labour party lost the seat. The Bill may be counter-productive rather than helping to achieve the right hon. Gentleman's objective.

I hope that the Government will not follow the route of political correctness and try to gerrymander selection processes to provide a specific outcome. I strongly believe in the principle of selection on merit, on a colour-blind basis. Once we start picking people on the colour of their skin, we have a big problem in our society.

Question put, pursuant to Standing Order No. 23 (Motions for leave to bring in Bills and nomination of Select Committees at commencement of public business), and agreed to.

Mr. Speaker: We now come to the main business—*[Interruption.]* My apologies—I have been too quick. Who will prepare and bring in the Bill?

Keith Vaz: I have waited a long time for this, Mr. Speaker.

Bill ordered to be brought in by Keith Vaz, Ms Diane Abbott, Mr. Marsha Singh, Ms Dawn Butler, Jeremy Corbyn, Harry Cohen and Mr. Virendra Sharma.

Race Relations (Election Candidates)

Keith Vaz accordingly presented a Bill to exclude from the operation of the Race Relations Act 1976 and the Race Relations (Northern Ireland) Order 1997 certain matters relating to the selection of candidates by political parties: And the same was read the First time; and ordered to be read the Second time on Friday 13 June, and to be printed [Bill 66].

Business of the House (Lisbon Treaty) (No. 3)

Motion made and Question put forthwith, pursuant to Order [28 January].

That the Order of 28th January be further amended as follows: in the Table, in the entry for Allotted Day 4, in the third column:

(a) for '4½ hours' substitute '3 hours', and

(b) for '1½ hours' substitute '3 hours'. *[Alison Seabeck.]*

Question agreed to.

Treaty of Lisbon (No. 4)

(4TH ALLOTTED DAY)

Mr. Speaker: I inform the House that I have selected the amendment in the name of the right hon. Member for Richmond, Yorks (Mr. Hague).

Simon Hughes (North Southwark and Bermondsey) (LD): On a point of order, Mr. Speaker. I have bothered you on a couple of occasions with points of order about instruction, and you have ruled on that. I raised a similar issue yesterday with the Deputy Speaker, who told me that, if I raised a point of order on instruction, which is in motion 41, before Committee, it was too late in the day. I am now trying a little earlier. Can you advise my colleagues and me about what we need to do to make the instruction more selectable, if it has a defect, and whether we can use any other procedure to have it selected?

Mr. Speaker: The motion on instruction has not been selected. The hon. Gentleman has been a Member of Parliament for a considerable time and he knows that my selection or non-selection is not for discussion on the Floor of the House. We have a Table Office and some of the best Clerks in the world with regard to parliamentary democracy. I reckon that the hon. Gentleman knows that by now. He would do best to go there for advice. The Speaker has a lot on his plate these days.

1.28 pm

The Secretary of State for Business, Enterprise and Regulatory Reform (Mr. John Hutton): I beg to move,

That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning the single market.

I believe that the founding purpose of the European Union was to try to secure a lasting peace throughout our continent by establishing, first, a common market in the key industrial sectors that could drive economic growth, create jobs and raise living standards, and that could also bring European nations closer together and, in the process, replace decades of strife and war with a new era of prosperity and progress. I am glad to say that that has remained the driving force of the European Union.

Mr. William Cash (Stone) (Con): The Secretary of State just used the term "common market", but does he accept that that is not the position today? It was, but it is not now, and those of us who believe in an association of nation states think that that was the most serious mistake made.

Mr. Hutton: If hon. Gentleman will let me make my speech, I shall try to make the point in my own way. I am talking about the historical development of what started as a market and the way in which it has evolved into a wider economic and political relationship that has profoundly benefited the United Kingdom and the continent. I am sure that the hon. Gentleman will make his own contribution later. I do not want to deprive

him of the opportunity of doing so, because we are all looking forward to hearing his remarks again—and again and again, probably.

The fundamental purpose that I have set out has remained the European Union's driving force. Beginning as the European Coal and Steel Community, it has since expanded to take in more goods and more countries, and succeeded in achieving peace and clear economic and social benefits for business, consumers and citizens across Europe. I would hope that hon. Members from all parts of the House celebrate those achievements.

The European Union is now the world's biggest single market, generating total gross domestic product of more than €12 trillion and comprising almost 500 million people. Since 1992, the single market has created more than 2.75 million extra jobs, led to a more than sixfold rise in foreign direct investment and increased trade by 30 per cent. By 2006, the single market had boosted GDP by an average of €360 for every person in the European Union. Eliminating border bureaucracy, for example, has slashed delivery times, reduced costs and opened hundreds of new export markets to British businesses both large and small.

Nearly 60 per cent. of our total trade in the UK is now with other EU member states and around 3 million British jobs are linked to the export of UK goods and, increasingly, services to the European Union. British citizens—all our constituents—benefit from both a greater choice of higher quality goods and services at lower prices and stronger protections to guarantee their consumer rights throughout the European Union. Every year, EU investment helps to create and protect UK jobs and generates trade. Those who recognise the best interests of the British people have long realised that expanding the single market can be made possible only within a clear legal framework that establishes a new set of rules.

Mr. Mark Harper (Forest of Dean) (Con): I agree with the Secretary of State about the importance of competition and the market, but why is the treaty a step forward, given that it removes the phrase "free and undistorted competition" from the legal framework, which is what the European Court of Justice will use when making decisions in important cases?

Mr. Hutton: No, it does not do any of those things—

Mr. Harper: It does!

Mr. Hutton: No, there is no weakening of the competitive framework of European Union law at all, and if that is the hon. Gentleman's point, he needs to go back and do his homework.

We needed rules that would tackle restrictive practices, vested interests and hidden barriers to trade between member states. Qualified majority voting was the essential prerequisite in establishing that new legal framework. Without it, Europe would not have made the same economic progress that it has in the past 20 years.

Mr. John Gummer (Suffolk, Coastal) (Con): Does the right hon. Gentleman agree that Baroness Thatcher fought for qualified majority voting precisely because she knew that none of those matters could be carried through unless we all moved together? Is it not also true that qualified majority voting gives greater power to individual nations than the veto, because everyone else knows that they could be steamrollered if they do not join a common enterprise together?

Mr. Hutton: This is a strange debate, but I agree with everything that the right hon. Gentleman has just said. My regret is that his views are not more widely held on the Opposition Benches, because if they were the United Kingdom would have a better prospect of securing more of the deals in the European Union to which he has referred. It is important that we learn the lessons of history. He was involved in a lot of the debates and discussions at that time. I pay tribute to him and to the work that Lady Thatcher did to pave the way towards progress in the European Union.

Since the Single European Act, which introduced qualified majority voting to the single market in 1987 and to which the right hon. Gentleman rightly referred, the Maastricht, Amsterdam and Nice treaties have extended qualified majority voting into new areas, helping, not hindering, the process of economic reform in Europe. Those treaties have all adapted and strengthened both EU institutions and the policies that support enlargement and extend the single market. It is now again clear that we cannot rely on structures designed for the EU 15 to help us fully reap the economic and political benefits that we believe an enlarged Europe of 27 member states offers. That is why we must ratify the Lisbon treaty.

As our competitors continue to invest in their people, ideas and innovation, so should we. As there is still work to be done in opening up European markets to effective competition, we should concentrate on doing just that ourselves. It is for those reasons that I absolutely reject the view of those on the Opposition Front Bench that our response should be another period of introspection and constitutional navel gazing. That is the last thing that we should be doing, but it is exactly what their policy towards the treaty of Lisbon would inevitably involve. That approach would not create jobs, growth or prosperity, just years of fog and an inability to drive Europe forward. There is no benefit there for UK businesses, workers or citizens, just more time and taxpayers' money spent on debates that are already long past their sell-by date.

Ian Lucas (Wrexham) (Lab): Does my right hon. Friend agree that one of the essential components of a strong and effective single market is strong EU institutions that can regulate and monitor it, and that anyone who argues in favour of a single market without strong EU institutions is full of hot air?

Mr. Hutton: I do agree with that. Although this issue is not the direct subject of our debate on the single market, the Lisbon treaty also significantly improves the functioning of the European Union institutions, with a new and stronger role for national Parliaments in particular, which many right hon. and hon. Members from all parts of the House have accepted as important. The Lisbon treaty helps us in all those regards.

Mr. James Clappison (Hertsmere) (Con): In order to set the Secretary of State's remarks in context, will he give us his estimate of what proportion of UK law now comes from EU institutions?

Mr. Hutton: I am not going to put a figure on that, for obvious reasons. [HON. MEMBERS: "Very obvious reasons."] Look, either we have a serious debate or we behave like this crowd of people on the Opposition Benches.

Mr. Peter Bone (Wellingborough) (Con): Will the Secretary of State give way?

Mr. Hutton: No.

We are talking about the single market today, so perhaps I can help the hon. Member for Hertsmere (Mr. Clappison). It is probably true that the majority of the laws established to drive forward the single market have originated from the European Union. The hon. Gentleman was a Minister in the previous Conservative Government; indeed, I believe that he might have had something to do with these issues. Personally, I find the argument that because laws originate from Europe there is something intrinsically wrong with them an astonishing one. Those laws have helped British businesses. The fact that they originated in the European Union is therefore irrelevant.

Keith Vaz (Leicester, East) (Lab): To take the Secretary of State back to the substance of this debate, which is on the single market, is not the Lisbon agenda an illustration of how Europe has changed? For the first time, we have a set of benchmarks against which the success of individual nations' economic policies can be properly assessed. That did not happen before Lisbon. Every five years we go back and review those decisions, to ensure that nations are up to speed.

Mr. Hutton: That is a strong and obviously correct point, which is why we particularly welcome the response to the Commission with respect to the single market review. Following what is happening and ensuring that people are delivering what they have said they will deliver is an important part of making progress.

Mr. Clappison: Will the Secretary of State give way?

Mr. Hutton: I am not going to give way to the hon. Gentleman now—perhaps I will do so later—because this is a shorter debate and I am anxious to ensure that as many hon. Members contribute as possible.

I think that, in essence, we need to press on with the agenda of economic reform, using the provisions of the treaty, once ratified, so to do, but we cannot do that if our focus is always on reopening debates about the treaty. What possible economic or political interest to our country could be served by a future Government taking the view that the provisions of the treaty did not bind the United Kingdom or that the UK could not sign up to further improvements to the single market in future because the proposals were being taken forward under the provisions of the Lisbon treaty? Such an approach would paralyse any future progress for an indefinite period on future reforms to the single market. It would negate any influence that we might have in the Council and elsewhere. Sadly, it is the policy of the Conservatives, should they ever manage to win an election, to follow precisely such a course of action.

Mr. Bone: I think that I understand the Secretary of State's very cogent argument. He says that we want to be more involved in the single market and in Europe, so is it still Government policy that we should join the euro?

Mr. Hutton: We have set out our position on the euro on many occasions, and the position has not changed in relation to the economic tests and a referendum on the European Union. The hon. Gentleman graciously said that I am making a cogent argument, but I do not quite understand the point that he is trying to make.

Mr. Mark Todd (South Derbyshire) (Lab): My right hon. Friend has indeed made a cogent argument on the power of the single market and our progress within it, which I very strongly endorse. Would he add to that the need to redouble our efforts at further reform of agricultural markets—an area where I am afraid that protectionism, quotas and other mechanisms proliferate?

Mr. Hutton: I certainly believe that we need to press ahead with reforms in that area. My right hon. Friends the Prime Minister and the Secretary of State for Environment, Food and Rural Affairs have repeatedly made it clear that we want further progress. I hope that other changes in the Lisbon treaty, particularly around co-decision making for the European Parliament, will act as further stimulus for such reforms. It is incumbent on us all, particularly in the context of the world trade round talks, to try to make further progress.

I believe very strongly that Europe has the ambition, commitment and the talent to succeed in today's increasingly competitive global economy. It is absolutely time to deliver, and a ratified Lisbon treaty will help make it easier to do so.

Rob Marris (Wolverhampton, South-West) (Lab): My right hon. Friend rightly refers to an increasingly competitive global economy. Will he confirm that article 118, which is on page 87 of the consolidated texts, refers to intellectual property rights, that this country has a fine tradition of design and innovation and that the protection of intellectual property rights both within the European Union and worldwide is particularly important for jobs in this country?

Mr. Hutton: I agree absolutely. The single market has been an evolutionary concept. We have made significant progress, but there are still obstacles in the way of creating a truly single market in many areas, and intellectual property is one of them. I believe that the Lisbon treaty provisions will help take that debate forward. We have important safeguards on language issues—I shall come on to them in a few moments—and requirements for multiple language translations of patents, but there is no doubt that this is one important area where progress needs to be made. We will not make that progress without qualified majority voting. I am afraid that it is as simple as that. Given the range of experienced Ministers on the Opposition Benches, I hope that they would understand that rather fundamental point.

Mr. David Heathcoat-Amory (Wells) (Con): Does the Secretary of State agree with Commissioner Verheugen's estimate in October 2006 that the cost to business of EU legislation and regulation was £405 billion a year—more than some other estimates of the value of the single market? If he does not agree with the commissioner's estimate, what is his estimate of the burden to European business of excessive over-regulation, which is used as an excuse for the single market?

Mr. Hutton: I am making a point about the virtue of qualified majority voting, whereas the right hon. Gentleman is talking about the regulatory burden on business—a genuinely important issue. I believe that there are some cases of over-regulation in some sectors in the EU, but the right hon. Gentleman will know that we have been taking the lead in the debate in Europe about a totally different approach towards regulation, which emphasises the costs and the burdens on business in Europe. Impact assessments have now become standard practice in the EU, people have to justify a proposal for regulation and the benefits have to outweigh the costs that inevitably arise once it has been decided to regulate.

There is, however, no way of achieving many of the goals we want—I would hope that we all share them, particularly in respect of the single market—without regulation, necessarily bringing some costs and regulatory burdens for employers. There is no way of pretending otherwise, but the European Union and the Commission have targets to reduce the burden of regulation, which is a welcome first step. I think that significant progress remains to be made, but in a sense the right hon. Gentleman's argument is not germane to my point about the benefits of qualified majority voting. That is my main argument today, yet the amendment to the motion and the amendments that we will debate later this afternoon would make it harder for us to make progress on single market issues in the EU.

My hon. Friend the Member for Wolverhampton, South-West (Rob Marris) referred to article 118 and provisions on intellectual property rights, but I understand that Conservative Members want to ensure that we cannot proceed along the lines of qualified majority voting in those areas. I suspect that there will be a division of opinion among Conservative Back Benchers on that matter. It is striking to reflect on the extraordinary divergence between the rhetoric we hear in support of the single market and the content of the amendments, which would make it very difficult for us to make the further progress that we need.

Mr. Philip Hammond (Runnymede and Weybridge) (Con): Will the Secretary of State confirm that in the European constitutional convention, the UK Government sought an exemption for intellectual property rights?

Mr. Hutton: That is true—*[Interruption.]* No, it does not lead to a collapse of my argument. The important point about the treaty is that it contains essential protections that will help us to deal with restrictive practices, particularly the insistence on language requirements. The treaty contains important provisions that will advance the arguments that I am making about extending and deepening the single market.

Mr. Peter Lilley (Hitchin and Harpenden) (Con) *rose—*

Mr. Clappison *rose—*

Mr. Hutton: If right hon. and hon. Gentlemen will allow me to make some progress, we can return to this issue later.

We know that back in the days of Maastricht, the Opposition could not unite. The consequences of the Tory policy of fundamental renegotiation of the Lisbon treaty would, I believe, risk our entire membership of the European Union itself. Many Opposition Members in their places today openly advocate British withdrawal from the EU. That would marginalise us during one of the most important periods of reform to the single market.

Mr. Clappison *rose—*

Mr. Hutton: As I said earlier, the treaty does not make any fundamental changes to the legal basis of the single market, but it introduces a number of technical measures that could benefit UK workers, consumers and businesses even further. It includes a new protocol on competition policy, which I understand is the principal focus of the Opposition amendment to the motion. For reasons that I shall set out in a few moments, I believe that the amendment is wrong about the new treaty and the status of the protocol. It clearly betrays Conservative Front Benchers' enduring pathological dislike of the European Union and offers further proof, if any were needed, of why they should not be trusted with the responsibility of government.

Mr. Clappison *rose—*

Mr. Hutton: Articles 85 to 93 of the original treaty of Rome in 1957—

Mr. Clappison *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I must tell the hon. Member for Hertsmere (Mr. Clappison) that it is fairly evident that the Secretary of State is not prepared to give way at the moment, so the hon. Gentleman must not remain on his feet.

Mr. Hutton: I will give way to the hon. Member for Hertsmere in a few moments, but I am anxious to make some progress with my speech.

Articles 85 to 93 of the original treaty of Rome of 1957 stipulated that the Community should monitor and enforce free and fair competition in markets across Europe. With much of the legislation required to establish the single market already in place, the new protocol ensures that proactive competition will remain the major focus and driver of single market policy in the 21st century. The protocol states and confirms, as did the treaty of Rome, that establishing an internal market is a key objective of the European Union and that ensuring free and fair competition across the continent is essential to doing so. The protocol is legally binding and an integral part of the Lisbon treaty. As the treaty itself states:

"The Protocols and Annexes to the Treaties shall form an integral part thereof".

[Mr. Hutton]

The wording of the principal treaty articles governing the regulation of competition in the European Union—4, 27, 34, 81 to 89, 96, 98, 105 and 157—are substantially unchanged by the Lisbon treaty, providing an additional layer of protection. Everyone in the House should therefore be clear that removing barriers to competition in the internal market will remain a fundamental part of the EU's task once the treaty of Lisbon has been ratified.

The Lisbon treaty also expands the Union's objectives to include references to a

"highly competitive social market economy and free and fair trade."

Under the terms of the treaty, the Union has a duty to promote those values in every area. The binding protocol on the single market embeds those principles still deeper into the European Union's agenda. I will now give way to the hon. Member for Hertsmere, for the last time, I hope.

Mr. Clappison: The Secretary of State has been very generous in giving way. While the provision has been placed in a protocol, where it will have such legal force as comes from being in a protocol, free and undistorted competition has been removed from the objectives of the Union and relegated to a protocol. Will he explain why that happened, and how the Government allowed it to happen?

Mr. Hutton: I am sure that the hon. Gentleman has studied carefully the consolidated text of the treaty, and he needs to look at article 51, in which the position is made absolutely clear: the protocol has exactly the same legal effect as any other part of the Lisbon treaty. There is absolutely no basis of fact or law in his assertion that somehow including the provision in a protocol in any way involves a relegation of the issue governed by the protocol. If he has any doubt about that, he should look again at the treaty. He will also probably want to look at the provisions of the Vienna convention, as I have done in preparation for the debate, in relation to how international treaties are to be interpreted. He will find a clear exposition of the international law of treaties and how questions of interpretation in relation to preambles, annexes and protocols are approached. The rebuttal to the Opposition motion can be found in all those sources. The Opposition have misunderstood the legal basis of the protocol. That flushes out one of the most unpleasant aspects of the debate, which is the feverish hatred of all things European that permeates those on the Opposition Benches—and has come principally from those on their Front Bench—with some noble exceptions, although only one of them is on the Opposition Benches today.

The European Commission, strongly supported by the UK Government, is now pushing ahead with implementing the single market review and the Lisbon agenda, both of which are based on the explicit foundation that Europe must continue to tackle anti-competitive practices and barriers to competition. The protocol will help us to achieve our priorities for the single market in the next decade. As Neelie Kroes, the Competition Commissioner, said recently:

"I simply do not agree with the scaremongers who argue that the Protocol is the end of European competition law as we know it. The Protocol maintains in full force the competition rules which have served European citizens so well for fifty years".

That is also the clear view of both the Law Society—a very respected source of opinion—and the Commission's own legal service.

I referred to technical changes in the articles dealing with the single market made by the Lisbon treaty. Some of my hon. Friends have also referred to them. They all offer the prospect of further improvements to the single market, and can therefore be seen as having a beneficial, pro-reform, pro-enterprise effect on the single market. Amendments to article 47 introduced qualified majority voting on legislation to remove barriers to self-employed professionals working in other member states of the Union. The free movement of people is one of the four key foundations on which the single market rests. That further advances that fundamental principle, and will be of particular benefit to professionally qualified people.

Judy Mallaber (Amber Valley) (Lab): Preventing countries from competing unfairly by allowing their workers to be exploited is a key element in the free movement of labour. The minimum social provisions are important in that respect. Today, on the 90th anniversary of the introduction of women's suffrage, does the Secretary of State agree that any step that threatened the treaty and led possibly to opt-outs from the social chapter would be extraordinarily retrograde and would prevent attempts to provide harmony and free competition within the market?

Mr. Hutton: I am grateful to my hon. Friend for making that point. We have stood up consistently, along with others in the House, for a proper balance in the competitiveness agenda. A strong social dimension to Europe now and in the future is important. One of the best things that we did when we came into government was to sign the social chapter, as it demonstrated a clear commitment to developing that part of the European project. I derive a great deal of satisfaction, as I hope she does, from meeting constituents who have benefited from many of those provisions, which include holiday entitlement.

Paul Farrelly (Newcastle-under-Lyme) (Lab): On the social dimension, may I record my disappointment, and that of many of my colleagues, at the way in which the Government blocked a European directive on agency workers before Christmas? Does my right hon. Friend oppose the principle of equal treatment for agency workers, or is it simply a question of negotiating an appropriate qualifying period?

Mr. Hutton: We certainly do not oppose the principle of equal treatment, as we have repeatedly made clear over a long period. The text of the directive was not acceptable to the United Kingdom and other countries in the Council, which is why it was not possible to reach agreement on 5 December. The UK Government remain committed to trying to find an acceptable text on which we can agree, and which addresses our concerns about flexibility, which is crucial for the UK to secure and develop. Our labour markets are widely respected as flexible and for providing proper protection for workers. I do not want to compromise on any of those issues.

With those comments in mind, I cannot see the logic of Opposition amendment No. 145, which not only deprives UK workers of the potential benefits I have just outlined but would take a step backwards. If the Opposition had their way, they would not allow us to use QMV to develop proper protection for self-employed workers in the single market. That is not sensible. We should not take their advice on that or anything else in this debate.

As many will know, the European social fund is investing £3 billion in the UK in 2007-2013 to help the unemployed and disadvantaged improve their job prospects and skills.

Mr. Lilley: The Secretary of State says that he will take no account of any of our proposals. Would it not benefit the House, however, if he were to put before us all the positions taken by the Government on these and other issues in the convention on the constitution—the motions tabled, the positions taken, the letters written—so that we know the Government's original position? Is not that absolutely essential for informed debate in the House? It is available to some Members, but not to others. As a good House of Commons man, will he not say yes?

Mr. Hutton: I always try hard to say yes to the right hon. Gentleman. His remarks, however, are principally about the old constitutional treaty, which has been abandoned. The process has been abandoned. We are debating the new treaty of Lisbon—the reform treaty. The House has ample opportunity to debate that, and I and all my Cabinet colleagues will debate it with him and others over the next few weeks.

Crucial to the EU's success as a dynamic knowledge economy is the ability of our people to think, exploit and protect new ideas and innovation. The Community trade mark and design schemes have already proved highly popular with UK businesses, helping them to expand and safeguard their ideas in new EU markets. New article 97a establishes a legal base for the EU to agree measures to create European intellectual property rights and to provide uniform protection of IPR throughout the EU. Qualified majority voting will now apply to all aspects of the creation and administration of European IPRs, except for the issue of language requirements, which will still be decided by unanimity.

Community IPRs can foster further investment in research, design and innovation. Based on precedent and our experience of 20 years in the single market, qualified majority voting is critical. It can help to ensure that existing community IPRs can be updated quickly and flexibly as technology, business and society progress. I hope that it will also help to unblock negotiations—which have been stalled for many years—on the Community patent, and bring member states closer to agreement.

We believe that the retention of unanimity for language issues is crucial to ensure that excessive translation costs are not placed on United Kingdom businesses applying for Community patents. In our view the translation of patents should be limited as far as possible, and unanimity voting will allow us to deflect any proposals that we consider damaging to business in that context.

The introduction of new article 176A provides a specific article enabling discussion and agreement of EU energy measures for the first time. We debated those last week.

The new text on the common commercial policy ensures that the EU can continue to lead in efforts to open markets and reduce trade barriers in the case of rich and poor countries alike. The new text gives more scope for the Community to negotiate and conclude wide-ranging trade and investment agreements of major benefit to member states with third countries. For example, the EU is currently engaged in trade and investment negotiations with countries such as India and Korea. Ambitious investment agreements would increase access to their markets for UK companies, creating new jobs and increasing trade. The text also imposes an obligation on the Commission to update the European Parliament on the progress of its trade negotiations, increasing the transparency of Community-level trade negotiations.

UK business leaders have agreed that the Lisbon treaty will deliver a more effective, robust and efficient European Union to help drive forward measures such as the further liberalisation of the single market that are good for UK companies, workers and consumers. Sir Michael Bishop, chairman of British Midland Airways, said recently:

> "The EU needs to be able to take decisions quickly and implement them consistently over the long term. That is why the amending Treaty is important to business and important for Europe's future."

Bill Thomas, European president of EDS, has said:

> "The new amending Treaty will ensure that we have dynamic EU institutions capable of promoting reform and delivering competitiveness and growth across Europe."

The same point was made by my hon. Friend the Member for Wrexham (Ian Lucas). I prefer those views on the treaty to the views of Opposition Members.

I fundamentally believe that, by moving us on from the endless discussions about EU institutional reform that some Members are so keen to continue, the Lisbon treaty can help us to build a Europe ready for the 21st century: a Europe focused on the issues that matter, such as jobs, growth, and open and competitive markets. It should be possible for Members throughout the House to agree on one thing, the absolute priority of strengthening the competitiveness of the European economy. That was made clear in the European Commission's fundamental review of the single market, published last year. The review reflected many of the policies and reforms for which we have been negotiating, including a new, flexible approach to single market policy to promote competition fully, reduce the burden of regulation, and encourage innovation. It focused on key priorities from which businesses and citizens can benefit together, such as further liberalisation of the energy and telecoms markets, the use of competition policy tools to reduce barriers for businesses, and allowing consumers to benefit from more choice and lower prices.

The Commission has already introduced a system to monitor the market and ensure its competitiveness, enabling the EU to crack down on markets where there are still significant barriers to competition. Full liberalisation of European network industries in particular, such as energy, telecoms, post and transport, could bring an extra £52 billion to £66 billion to the EU economy, create between 140,000 and 360,000 jobs, and reduce

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prices significantly. Progressive liberalisation in the telecoms sector throughout the 1990s has already led to cheaper prices and more choice for EU consumers. Prices for national and international calls in the EU fell by an average of more than 40 per cent. between 2000 and 2006. I believe that it is time to build on that success, and to deliver even greater price savings and choice to business and consumers.

We are also pushing for full and swift implementation of the services directive across the EU to make the free movement of services a practical reality. Services account for 70 per cent. of EU gross domestic product, but for only 20 per cent. of intra-EU cross-border trade. The agreement of a wide-ranging EU services directive was a major step forward in tackling that covert form of protectionism. Full implementation of the directive will make it easier for service providers to set up and deliver services in other member states, increasing access to new markets and consumer choice. It could be worth between £4 billion and £6 billion per year, and could bring about 80,000 new jobs to the UK economy.

A truly enterprising Europe must slash the bureaucracy that holds opportunity back, and I am glad to say that ensuring better regulation is now a priority in Europe. The EU is working towards achieving its target of a 25 per cent. reduction in administrative costs, which will help to promote fair, open competition, empower consumers and encourage innovation, and which promises an increase of up to £100 billion in EU GDP.

Adam Price (Carmarthen, East and Dinefwr) (PC): The Secretary of State referred to the services directive, which applies to private sector services. Will he say a little about where public services fit into the internal market? Does he believe that the rules of competition policy and the principle of the internal market should be extended to include them?

Mr. Hutton: Some of the issues have already been addressed in the European Court of Justice in recent litigation. I am thinking particularly of the Watts case, in which I was involved as a junior health Minister. The Lisbon treaty includes provisions relating to services of general economic interest as well, but it is clear that the prime responsibility for the organisation and funding of public services is a matter for member states rather than the European Union.

There are provisions in the treaty that deal with important areas in which greater collaboration and co-operation could bring us advantages in Europe, relating to such matters as early warning of potential contagious public health hazards, about which I think we should be doing more in the European Union. There are border areas where people live very close to each other in parallel health jurisdictions. We should think about what we can do to improve cross-border co-operation in that context. That was the subject of the Watts case, and it is now part of European Union jurisprudence.

The amendments that have been tabled to the Bill would exclude the prospect of any such developments. If we accepted those amendments, with which I know my hon. Friend the Minister for Europe will deal very ably in a few minutes' time, we would not be able to make progress in those areas. We cannot do so if we do not agree the Lisbon treaty, and accept that in some areas qualified majority voting will work in the interests of the British people. That is the choice that we must face here today. *[Interruption.]* I hear that lot on the Opposition Benches chuntering at my remarks. I always know when they do not like what I am saying: they start chuntering. I can hear them asking "How will all these developments in the single market be secured?" Those developments will not be secured if we take their advice. As I said at the beginning of my speech, they will not be secured if we go back to Europe and say "We do not accept the treaty of Lisbon. We will not accept any further liberalisation measures if they are based on its provisions." *[Interruption.]* That is clearly the position of Opposition Members. They have made it very clear. The hon. Member for Aldridge-Brownhills (Mr. Shepherd) knows this to be true because he follows these debates, unlike some of his right hon. and hon. Friends. He knows that the position of the Opposition is precisely that. Those are the tactics that all these characters want to pursue. All these hon. Gentlemen—

Bob Spink (Castle Point) (Con) *rose*—

Mr. Hutton: He is another of them. They have all made it clear that they want us to withdraw from the European Union.

Bob Spink: The Secretary of State referred to services, and I will come to those in a moment, but the point is this: will these changes actually help our constituents? The treaty extends the single market rules to new areas of financial services, intellectual property rights, foreign direct investment and possibly even sovereign wealth funds. Those would all come under the umbrella of the uniform principles for the first time, and that would damage the City of London, where thousands of my constituents work. Why should they have to put up with it?

Mr. Hutton *rose*—

Mr. Deputy Speaker: Order. May I say gently to the Secretary of State that using such words as "lot", "characters" and "crowd" departs from the normal nomenclature that we use in this place? It is probably best to keep to the usual.

Mr. Hutton: I accept your admonition, Mr. Deputy Speaker. I was trying to say that they were very interesting characters. I am sorry if that did not entirely come across when I made the remark. Of course I have a great deal of respect for Opposition Members, particularly those who follow these debates closely. Obviously we do not agree on a number of matters, but I respect the way in which they have applied themselves to the issues.

As for the point raised by the hon. Member for Castle Point (Bob Spink)—and I have a great deal of personal respect for him as well—I think it would be sensible for him to make himself clear to the House too. He wants Britain to be out of the European Union, and that is the argument that he should be having with his constituents. This pussyfooting around, if I may put it that way—quibbling about this or that part of the treaty or the text—is all camouflage. We know that from a wider analysis that he and others have made that Britain

would be better off outside the European Union. That would be a total disaster for the United Kingdom. That is why we cannot accept his analysis and we certainly do not accept his amendments.

None of the important objectives I have tried to outline would have any prospect of being realised if we took the advice of the Opposition and reopened the debate about the content and structure of the Lisbon treaty. It is clear that the UK's relationship with the European Union and participation in the single market have worked to our benefit in the past, increasing business, jobs and trade, but we will continue to benefit from these gains only if the UK is actively and fully engaged in the EU, making the case front and centre for changes that will benefit UK citizens and businesses. The choice Opposition Members face is either to do what is in the long-term interests of the British people and economy—actively to engage in Europe to open up new markets and opportunities—or to let their dogmatic dislike of all things European marginalise Britain in Europe, putting at direct risk the benefits of the single market and our economic future.

I believe that the answer is clear. The Lisbon treaty gives an EU of 27 member states a solid foundation from which to move forward and tackle the challenges facing, and reap the opportunities that will be provided by, Europe in the future. On that basis, it must be ratified.

2.11 pm

Mr. Philip Hammond (Runnymede and Weybridge) (Con): I beg to move, To leave out from "House" to end and to insert instead thereof:

"disapproves of the Government's policy towards the Treaty of Lisbon in respect of provisions concerning the single market; notes that the Treaty proper now contains no reference to undistorted competition as one of the activities of the European Union, and indeed relegates to a protocol any mention of competition that is not distorted, with significant implications for the interpretation of European Union law; deplores the Government's failure to block this change during the negotiations; and is concerned that the result could be the revival of protectionism in the European Union wholly contrary to Government policy and damaging to the interest both of the United Kingdom and of the European Union.".

People are rightly angry about many aspects of the Government's handling of the treaty of Lisbon: their incompetence in negotiating on Britain's behalf; the casual way in which Britain's self-interest has been abandoned by those charged with protecting it; and above all, the breach of trust with the British people in refusing to hold the promised referendum. However, amid the concerns about the impact of the treaty on matters such as foreign and security policy, justice and migration, relatively little attention has been paid to the way in which one of the best and most successful elements of the European structure has been consciously relegated to the sidelines. The purpose of our amendment is to change that.

For 50 years, the creation of what was first called the Common Market, then the single market, and now the internal market, has been at the heart of the European Economic Community and subsequently the European Union. Underlying it was the simple proposition that economic collaboration between the nations of Europe delivers prosperity, and prosperity delivers peace. Now, quite deliberately and with the connivance of the British Government, this treaty downgrades the objective of an open and competitive single market from its place at the heart of the EU's agenda to an obscure protocol tacked on to the back of the treaty, and it undermines at a stroke one of the undoubted successes of the last 50 years, and just about the only bit of the EU structure that enjoys almost universal support.

Ian Lucas: Article 3, paragraph 3 of the consolidated treaty states:

"The Union shall establish an internal market."

It is there in black and white. What is wrong with that?

Mr. Hammond: I did not hear the word "competitive" in what the hon. Gentleman read out. I know he is a lawyer, and if he will just bear with me I shall come on to the detail of the words that have been included and those that have been left out.

Mr. Siôn Simon (Birmingham, Erdington) (Lab): Will the hon. Gentleman give way?

Mr. Hammond: I will in a moment, but I want to make a little progress first, to try to avoid the trap that the Secretary of State fell into.

The Opposition seek to strengthen the Union in its pursuit of the single market, not, as the Secretary of State has suggested, to undermine that process. Nothing could be more calculated to damage the EU in the medium and long term, and to undermine the prosperity of the member states as they face the challenges of the 21st century, than the symbolic downgrading of the central place in the EU's structure of the open competitive single market.

This Government stand accused of a sell-out of truly historic significance. It is a sell-out based not on malevolence, but on sheer incompetence. What we have heard today from the Secretary of State is a breathtaking dose of complacency and wishful thinking.

Mr. Simon: The hon. Gentleman told my hon. Friend the Member for Wrexham (Ian Lucas) that the treaty referred to an internal market but not a competitive one, as if there were another kind of market. Article 3, paragraph 3 talks about

"a highly competitive social market economy".

It is a market, and a competitive one. What other kind of market is there?

Mr. Hammond: The treaty as currently drafted refers to a "social market economy", but reference to undistorted competition has been relegated from the body of the treaty to the protocol. That is important. [HON. MEMBERS: "Good."] Some Members say "Good", so there we have it.

Several hon. Members *rose*—

Mr. Hammond: If Members will allow me, I shall deal with this specific point in detail shortly.

The constitutional treaty, like the budget and the rebate before it, has involved a process in which the Government have through their own words and deeds showed that they understand full well where the lines needed to be drawn. They recognised precisely where

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Britain's vital interest lay. As with the budget negotiation, however, faced with defeat at the negotiating table, instead of digging in and using the veto—which is there precisely to defend our national interest—they rolled over. So now Government policy is to argue that black is white—that the changes they sought to make in the constitutional convention are unnecessary and that the dangers they warned of are non-existent. That is a complete sell-out: it is a capitulation in the area of EU law that is arguably more important to Britain than any other—and in exchange for nothing.

I shall quote President Sarkozy in the course of my remarks—not necessarily with approval, but I will say this at the outset: I fundamentally disagree with the Sarkozy vision of the EU, but I do not doubt for one minute that he has pursued what he genuinely believes to be the best interests of France, and I respect him for that—for defending, however mistakenly, the interests, as he perceives them, of the people he represents. Our Government, by contrast, know that the single market based on free and unfettered competition needs to be at the heart of a prosperous Europe. They set out to achieve that objective; they argued for it and tabled amendments in defence of it, all of which was perfectly honourable. But when the chips were down, they failed comprehensively.

Chris Ruane (Vale of Clwyd) (Lab): The hon. Gentleman talks about President Sarkozy sticking up for his country. The European structural funds were made available to help not only all countries, but all parts of all countries. In the 1980s and 1990s, previous Conservative Governments failed to draw down on objective 1 funding, especially for Wales when they were decimating the mines and the steelworks, and seaside towns such as Rhyl and Prestatyn in my constituency. They failed to claim that objective 1 funding. It was delivered by a Labour Government in 1998.

Mr. Hammond: The hon. Gentleman wants to fight the battles of 20 years ago, but I think most people want to deal with the future—the future of Europe, and of Britain's place in the competitive world order.

Ms Patricia Hewitt (Leicester, West) (Lab): The hon. Gentleman has been talking about the changes—which are cosmetic in my view—in terms of competition in the Lisbon treaty. Will he accept that the protocol on the internal market and competition has identical legal force to the rest of the treaty—that is spelled out in the treaty itself—and says that the internal market

"includes a system ensuring that competition is not distorted",

which is the precise wording of the treaty of Rome? Will he also accept that the protocol, in what I think is a new provision, refers explicitly to the enhanced powers of European institutions

"under Article 352 of the Treaty on the Functioning of the European Union"

if they are needed to achieve the goal of an undistorted competitive single market? He is simply wrong in the point he makes.

Mr. Hammond: On the contrary, the right hon. Lady is simply wrong. Yes, the protocol has the same legal status as the body of the treaty—I accept that without dispute—but I shall show in a few moments how the European Court of Justice interprets European treaties when it makes decisions, and the trap that we are walking into by relegating this measure from the body of the treaty to the protocol. I shall quote to her what those who have pressed for this change have said. They have not pressed for the removal of these provisions from the body of the treaty to a protocol as a cosmetic change; they have pressed for their removal as a substantive change to the body of European Union law.

To cover their humiliation, the Government embarked on a duplicitous attempt to conceal the scale of the defeat. First, they resolved to deny the referendum that they had promised the British people, because it would have exposed the gap between the rulers and the ruled. They then created a smokescreen of red lines and emergency brakes, which my right hon. Friend the Member for Richmond, Yorks (Mr. Hague) has brilliantly demonstrated is a meaningless charade of flannel and smoke that offers no durable protection. We have heard yet more flannel and smoke from the Secretary of State today. I suppose we should be grateful that he remembered to bring his flannel and smoke with him to the Chamber this week; we should be grateful for something.

Depending on which authority we follow, we know that the treaties are between 90 and 98 per cent. identical to the aborted constitution. It is ironic that one of the few changes made between the draft constitution and these treaties is the relegation of the concept of unfettered competition in the single market from the heart of the structure to the periphery. Instead of making a stand for the principles of economic liberalism, which he repeatedly claims to espouse, the Prime Minister slunk off to Lisbon, almost literally in the dead of night, and looking every inch like a man engaged in a furtive and shameful little mission, to sign the treaty and sell out the interests not only of Britain, but of millions of Europeans whose prosperity will now be put at risk.

Let me explain why people's prosperity will be put at risk. In 1957 a genuine single European market, on its own, would have ensured Europe's prosperity—but this is 2008, not 1957. At the beginning of the 21st century the single market, which after 50 years of progress remains far from complete, can only be part of a much larger global picture. We now have to look outwards and further afield. Our need is for a single, open, free, lightly-regulated and competitive market in Europe, not only for its own sake but to act as a base from which European businesses can compete effectively as part of an open world trading system. If we are to prosper, not only in our home market but in the wider world market, the EU single market must be open by virtue of the absence of barriers to competition, not by virtue of a heavy-handed structure of managed and regulated competition. Conservative Members are not prepared to see Britain's prosperity being dragged down into the quicksand of over-regulation and economic nationalism. Our future lies in engaging with, not resiling from, globalisation.

Mr. Cash: I agree with a great deal of what my hon. Friend is saying, but may I just qualify one point? Is it not possible that we could use the word "Europe" in the

broader sense to achieve the degree of co-operation that we all genuinely want, rather than the legal straitjacket created by the structure to which he referred, the European Union?

Mr. Hammond: I am sure that my hon. Friend will make his case in due course. My purpose is to demonstrate that the Government know very well what is in Britain's interest, and that although, to their credit, they went out to fight their corner, they did not do so very well, they have comprehensively lost the argument, and Europe, and Britain in particular, face serious consequences.

Rob Marris: *rose—*

Mr. Hammond: I shall give way in just a moment. We have heard before, and again today, that none of this matters. The right hon. Member for Leicester, West (Ms Hewitt) referred to the changes as cosmetic, but she is wrong: this does matter. We have heard that whether words are in article 3 of the treaty or in a protocol at the back is irrelevant, but it is not. The change of direction represented by the symbolic relegation of the endorsement of undistorted competition from the opening articles of the treaty to a protocol at the back does matter, and those who fought for it know that. It matters because if Europe is to prosper, much work remains to be done on the completion of a single, open and competitive market; it matters because of the political signal sent and received about the future direction of EU economic policy and its subordination to social policy; and it matters because of the legal significance of the treaties in the EU's system of jurisprudence and, in turn, the impact on how our own courts interpret the law.

Mr. Doug Henderson (Newcastle upon Tyne, North) (Lab): I think I followed the hon. Gentleman's argument. He says that he wants unfettered free competition—so why does he oppose the treaty provisions that extend qualified majority voting on energy?

Mr. Hammond: We have been around this loop before. We want an open and competitive European market, and a strengthening of the thrust for competition to be the driving force in determining the direction of the single market. I contend that the Lisbon treaty contains a clear political and judicial signal that we are moving in a different direction.

Rob Marris *rose—*

Mr. Hammond: I hope that the hon. Gentleman will just bear with me. I shall deal with three issues, the first of which is the challenge of completing a genuine single market.

In 2000, the Lisbon strategy set out the aim of making the EU

"the most dynamic and competitive knowledge-based economy in the world"

by 2010. Last year, the Secretary of State's Department conceded that the Lisbon goals remained "a far-off aspiration". The Lisbon strategy's own website notes:

"Weak competition in many markets, especially in network services including energy, continues to hold Europe back."

The Government recognise the need for improved access to capital, lower prices for businesses and consumers, and the liberalisation of the network industries if we are to compete effectively internationally. The Department estimates that liberalisation of the network industries alone could add 1.7 per cent. to Europe's gross domestic product. We urgently need a more efficient, competitive and integrated market, but the chances of achieving that are receding as this treaty takes form.

Mr. Hutton: I hope that hon. Gentleman will turn his attention to the following point, which I was trying to make in my speech. One of the changes made by the Lisbon treaty is to move the single market provisions into that treaty; future proposals will be made under the provisions that we are debating today. I understand that his party's position is not to accept the validity of the Lisbon treaty, even if it is ratified by this House. How, then, will he react to future proposals to improve the single market made under the Lisbon treaty? He says that improving that market is his objective, but clearly he will not be in a position to accept any such proposal, will he?

Mr. Hammond: I remind the right hon. Gentleman that his party was committed to demonstrating the legitimacy of the Lisbon treaty—the constitutional treaty—by putting it to a referendum of the British people. He has resiled from that commitment, and I believe that the Government will pay a high price for doing so when the electors eventually get their opportunity to vote.

The fact is that protectionism is alive and well across the EU. Whether we are talking about French yoghurt, Spanish electricity, Austrian steel or Italian banks, EU Governments are doing their utmost to protect their prized domestic industries from the threat of foreign competitors, predators and Anglo-Saxon liberalisers, including the right hon. Gentleman. It was Charlie McCreevy who said what we all know:

"in reality, many countries give lip-service to open and free competition".

Never has the tension between the need for free and undistorted competition in markets and the EU's social, cultural and political aspirations been clearer. Never was there a greater need for a clear recognition that without the prosperity that a single, open and competitive market can deliver, the other aspirations will remain just that. Never was the need for the concept of competitive markets to be at the heart of the European Union greater than it is now, when it is being relegated to the margins. What the EU needs right now is a strengthening, not a weakening, of its focus on competition at the heart of everything it does.

Several hon. Members *rose—*

Mr. Hammond: I shall give way to the hon. Member for Wolverhampton, South-West (Rob Marris) because of his persistence.

Rob Marris: I am grateful for the hon. Gentleman's usual generosity. I want open competitive markets, but I object to the use of the word "undistorted" because it denotes that a state of perfect competition can be reached: it cannot. He talks about unfettered markets

[Rob Marris]

and so on, but I want markets with certain fetters. I want fetters so that we do not send schoolboys up chimneys to clean them and so that we do not have unguarded machinery at work. I want people to have that kind of social protection. I find the concept of undistorted competition ridiculous on the grounds of both economics and social protection. I want open and competitive markets, but "undistorted" is a nonsense word.

Mr. Hammond: The word is "undistorted", not "unfettered", and I am coming to the political signals sent out by the treaty on the role of competition in shaping the EU. After 50 years with a clause enshrined at the front of the treaty relating to "undistorted competition", we still do not have anything like it. What kind of signal is the Secretary of State sending by relegating that provision to a protocol? *[Interruption.]* Well, the term used is "competition without distortion".

The signals that are being sent are deliberate and strong, and they strike at the heart of the cause of free and open markets and thus at the interests of the United Kingdom. The high-profile removal of the reference in the draft constitution to

"an internal market in which competition is free and undistorted"

was the first blow. The replacement of the existing treaty wording, setting as an objective for the EU the promotion of

"a high degree of competitiveness"

by the new objective stating that the EU shall work for

"a highly competitive social market economy, aiming at full employment and social progress",

was a second, representing a significant dilution of the free market agenda. The controversial concept of a "social market economy" makes its way into an EU treaty for the first time. We are seeing the elimination of competition as an end in itself. The relegation of any reference to

"a system ensuring that competition in the internal market is not distorted",

found in article 3 of the existing treaty, to a protocol is a third blow.

The revised Treaty on the Functioning of the European Union gives exclusive competence to the EU for

"establishing of the competition rules necessary for the functioning of an internal market".

The EU itself will be left to judge how much competition is necessary to achieve the objective of

"a highly competitive social market economy aiming at full employment and social progress".

That is a recipe for conflict, fudge and fiddle, if ever there was one. The Government argued vigorously against exclusive competence, but again they were defeated.

By these steps, an unambiguous political signal has been sent: the aim of competition per se is relegated, and competition as an idea is subordinated to other objectives of the Union. That is a clear and humiliating defeat for the Anglo-Saxon liberal approach to the marketplace that Governments of both persuasions in this country have advanced for a political generation.

Mr. Simon: The hon. Gentleman has made it clear that he is strongly in favour of a high degree of competition. The Secretary of State explained to him that the treaty brings the development of the single market, the furthering of competition and the effective working of the single market into the treaty. The hon. Gentleman remains committed to abrogating that treaty in all circumstances. How does he then propose to develop that market in practice, rather than in purely rhetorical terms?

Mr. Hammond: We have heard from the hon. Gentleman and from the Secretary of State what the Government think. They can argue until they are blue in the face that all of this is of no great significance, but that view is not widely shared, especially by those who have fought long and hard to downgrade the competition provisions. They believe that they have won a great political victory.

For example, President Sarkozy, magnanimous as ever in victory, has said:

"competition is now just a means, not an end in itself. This opens the way to a different jurisprudence, one that favours European champions and brings a true industrial policy".

In other words, he foresees a market managed by political deals. That is not a model of European collab ration that will bring prosperity to the British people, and ultimately it is will not bring prosperity to the French people, either.

The Commission gains a raft of new powers to act unilaterally—for example, to enact regulations relating to agreements between undertakings, to regulate permitted state aid and to rule on the legality of national restrictions on movements of capital. The internal market becomes a shared competence, which under a new definition means that member states will not be able to legislate at all in a space where the EU has legislated. They will be unable to legislate in a way that conflicts with the EU, and that would include legislation to address matters of temporary national interest, or to supplement EU law. Britain's veto over regulations on the establishment of self-employed professionals is scrapped. The European Parliament gains vetoes over liberalisation of services and capital movements. International trade becomes an exclusive competence of the EU as far as it is defined by treaty provisions. In all those areas the UK Government fought to hold the line or secure exceptions. In every area they lost the battle, and now they seek to argue that nothing has changed.

How the Commission and the Parliament will use their new powers is an open question. It is possibly the understatement of the decade to say that it is by no means obvious that they will use them to promote free competition. I, for one, suspect that President Sarkozy's vision of an industrial policy of "picking champions" will have an irresistible appeal in Brussels.

What is clear is that at the end of the process a strong political signal has been delivered and the EU's approach to the development of the single market will change. It will be more interventionist, less focused on free and open competition and more focused on picking winners, imposing strategies and enforcing other EU social objectives through the regulation and manipulation of the marketplace. Only a rejection of this treaty by the British people in a referendum can now reverse that momentum.

Finally, I turn to the legal implications of the changes to the treaty and the impact that they will have on EU jurisprudence. The Secretary of State said that there were none, and that nothing would change. But there are serious concerns that the changes to the treaty will undermine the political and constitutional support for anti-trust action by the EU and will inevitably have an impact on the ECJ's interpretation of EU law. It is true that the protocol has the same legal force as the treaty itself, but the Vienna Convention on the Law of Treaties emphasises the importance of objective and purpose as a guide to the interpretation of treaties.

The ECJ has developed a "purposive interpretation" tradition to deal with conflicts. In other words, it considers the objectives and purposes of the Union in deciding which of the conflicting arguments should be given greater weight. In relation to how the Court conducts itself, it is a simple matter of fact that no mere protocol can achieve the same interpretative status as an article of principle or an objective in the treaty itself.

Mr. Hutton: The hon. Gentleman asserts that as a fact. Can he point me to a decision of the European Court that confirms that?

Mr. Hammond: I had not intended to cite specific decisions, but it appears that I will have to. A 1999 decision in the Albany International case shows how fatal the relegation of this issue to the protocol will be—*[Interruption.]* Of course that decision was not about a protocol, because the provision was not in a protocol then. In that judgment, the ECJ noted that article 3 of the EU treaty required both

"a system ensuring that competition in the internal market is not distorted"

and

"a policy in the social sphere".

It set to work to resolve the conflict on the explicit basis that both were objectives of the Union as set out in the article 3 of the treaty. Now one of those objectives will be removed from the opening articles of the treaty and put in a protocol on page 199. The Secretary of State wants us to believe that the ECJ will give the same weight to the statement in a protocol to the treaty as it gave to it when set out in leading articles of the treaty.

Mr. Hutton: Only 10 minutes ago, the hon. Gentleman accepted that the protocol had exactly the same effect as any provision of the treaty.

Mr. Hammond: A protocol does have the same legal status as the rest of the treaty. My point is that in pursuing the purposive interpretation tradition, the ECJ will look at the purposes and objectives of the Union, as set out in the preamble and the leading clauses of the treaty. I do not believe that the Secretary of State, who I believe is a lawyer by training, finds that concept as difficult as he is making out. Time will tell. We will see how the ECJ interprets decisions in the future in the light of the changes in the treaty. I hope that the Secretary of State will have the good grace, in due course, to come back to the House and accept that there was rather more to the changes in the treaty than the cosmetic effects that he has sought to set out today.

The Commission has based its attack on illegal state aid on article 3, paragraph 1(g), read in conjunction with article 10 of the EU treaty. The Court has held that provision elsewhere in the treaty must be interpreted by reference to the purposes expressed in article 3, concluding that public subsidies, whether or not they are apparently sanctioned elsewhere, are illegal if they distort competition, because that is the objective set out in article 3. There is a concern that the ECJ may find it difficult even to maintain the current position on state aid set out in existing case law, because it is all built on article 3, paragraph 1(g), of the treaty as it stands.

That was clearly in Sarkozy's mind when he said that the final form of the treaty

"may also give a different legal direction to the Commission. That of a competition that is there to support the emergence of European champions, to carry out a true industrial policy".

Some member states—no names, no pack drill—that fought for these changes have made no secret of the fact that they will seek to use them to expand the scope for legal state aid on social and social market grounds, to permit mergers on industrial policy grounds and to resist pressures for market liberalisation, particularly in energy and network services. I bet that there are people on the Government Benches who would welcome all those things.

It remains to be seen how precisely the changes to the treaty in the area of competition policy will be interpreted and used in practice by the Court, the Commission, the European Parliament and the member states. However, I can say this with some degree of certainty: the Government's suggestion that nothing has changed is dangerously complacent and out of line with expert opinion and with the views of most of our European partners.

Let me quote Sarkozy again:

"We have obtained a major reorientation of the objectives of the Union. Competition is no longer an objective of the Union or an end in itself...The word protection is no longer taboo."

The Government have allowed themselves to be outmanoeuvred, outwitted and out-negotiated. After 50 years, the pursuit of a single, open competitive market has been relegated to the back burner and subordinated to the other objectives of the Union. The one undisputed success of the EU is now at risk, and with it the Union's already dubious place in the sentiments of the British people. At a time when Europe needs to become more competitive, more liberalised and more open to the world, it is set to become less competitive, more inward-looking and more protectionist. To their enduring shame, the Government have acquiesced in that process, knowing that it was wrong and that it was neither in Britain's interest nor in Europe's interest.

The Government's policy in respect of the treaty and its impact on the single market is not merely incompetent and complacent, it is contemptible and duplicitous. I urge my hon. Friends to support the amendment.

Several hon. Members *rose—*

Mr. Deputy Speaker Order. I remind the House that Mr. Speaker has placed an eight-minute limit on Back-Bench speeches, which applies from now.

2.44 pm

Frank Dobson (Holborn and St. Pancras) (Lab): I confess that I approach this matter from the opposite end of the spectrum to the hon. Member for Runnymede and Weybridge (Mr. Hammond). A major part of my

[Frank Dobson]

job as an MP is to try to promote prosperity and fairness in our society and, as a Labour MP, to protect and enhance the interests of the worst-off people in my constituency and in the country as a whole. In that respect, I welcome our Labour Government's acceptance of the social chapter.

I am extremely concerned about recent developments in the EU, and in particular about the application of fair and open competition in the internal market to health care. The EU treaty as it stands states that on health:

"Community action…shall complement national policies".

It goes on:

"Community action in the field of public health shall fully respect the responsibilities of the Member States for the organisation and delivery of health services and medical care."

The Lisbon treaty updates that, I suppose, and states:

"Union action shall respect the responsibilities of the Member States for the definition of their health policy and for the organisation and delivery of health services and medical care. The responsibilities of the Member States shall include the management of health services and medical care and the allocation of the resources assigned to them."

Appearances would suggest that our national health service is and will remain the exclusive responsibility of the UK Government, but it is not and, under the Lisbon treaty, it will not. All the apparent protection for our sovereignty that was provided in the old and new treaties does not exist. It turns out that some parts of the treaties are more equal than others.

In a recent ECJ decision, now followed up by the European Commission, the neo-liberals who hold powerful positions on the Court and the Commission decided to open everything to do with health care up to internal market forces. My right hon. Friend the Secretary of State referred to the Watts case in 2006, which the British Government lost in the ECJ. The Court found that a patient from this country was entitled to be treated in another European country and that the NHS was obliged to pay the Bill. The patient was not in despair after a protracted wait for treatment in the UK. The patient's daughter was pushing the primary care trust to provide the European care before the GP had even referred the patient to a consultant. The Court's decision was therefore made in worship of the internal market, in blatant contradiction of the treaty protections that I have read out.

Worse was to come. In December last year, the European Commission produced a draft directive in which it asserted that competition would drive down costs in health care. We should ask whether that works in the US. That directive, as drafted—before it was withdrawn—would have meant that the British Government would have no say whatever in setting any limits on the provision. People would be entitled to get treatment in Europe. They would be given a voucher or, after they were treated, what they spent could be repaid. They would also be able to top up any costs with their own money. I cannot see why the Tories did not welcome that, because it is exactly like the patient passport proposition that they put to the country at the last general election, which was so roundly rejected and, we are told, has been abandoned as a policy.

When the ECJ decision was made and when the European Commission produced its latest document, Tories from this country in the European Parliament said that it was absolutely right. I was rather shocked to discover that the Liberal Democrats welcomed it, describing it as health tourism. I want to try to look after the least well off and the least well informed, but the decision of the Court and the proposal from the Commission will clearly give a leg-up to the well off and the well informed, disadvantaging everyone else. The well off will be able to afford to pay in advance and wait to be reimbursed. They will be able to afford to make a top-up payment if they need to, and to meet the cost of travel. Badly off people will not be able to do any of those things. The well off are also likely to be well informed and to know how to work the system.

I cannot possibly support the proposal before us today, and I am very dubious about supporting a treaty that has not done something to set aside the Watts decision. I should warn the House that I think that there are very powerful forces at work behind the proposition, and they are in this country now. Those forces are the US health corporations that are having such a bad time in their own country. They have made such a gratuitous mess of the health care system there that even the most right-wing Republican presidential candidates are calling for wholesale, root-and-branch changes. They want to ensure that every American is covered and to prevent costs from escalating even above the present level which, roughly speaking, is twice as much per head of population as anywhere else in the developed world.

However, the mess in the US is so great that the companies to which I have referred are roaming around Europe and Britain looking for markets. They are promoting the concept of competition in health provision which, if it is applied in the way set out in the European directive, is likely to be greatly to the disadvantage of the worst off and least informed people in this country—exactly the people to whose interests all Labour MPs should give a high priority. I shall therefore find it very difficult to vote for the treaty's ratification unless the Government make some concession to that effect.

2.51 pm

Dr. Vincent Cable (Twickenham) (LD): I had assumed that there would be quite a high degree of consensus on this part of the treaty debate. After all, as the Conservative spokesman conceded in his peroration, we are talking about the single area that almost everyone accepts represents an achievement on the part of the EU. Equally, the six provisions in the treaty relating specifically to economic matters are not especially controversial. They do not apply to the euro and, weak though they are, they are broadly helpful to the UK where they apply to intellectual property rights and self-employment. The other major provision relates to social security and is governed by veto, so the economic clauses do not contain an enormous amount to get worked up about.

The Sarkozy change is one issue of controversy, and the hon. Member for Runnymede and Weybridge (Mr. Hammond) managed to make a half-hour speech out of it. He massively overstated his point, but I happen to agree that it is unhelpful in the extreme that economic nationalisation should have emerged, in France

and elsewhere. In addition, the concession made by the British Government may be symbolic but it is rather damaging.

The right hon. Member for Leicester, West (Ms Hewitt), the former Secretary of State for Trade and Industry, made it clear that absolutely nothing has changed legally, and that was helpful. Even so, the concession represents a step backwards in political terms, and that is why we have tabled some amendments to ensure that that aspect of the treaty is monitored as it proceeds.

Rob Marris: The hon. Member for Runnymede and Weybridge (Mr. Hammond) decried President Sarkozy for saying that competition should be a means and not an end. I do not agree with President Sarkozy about many things, but in this case I do. However, the Tories seem to see competition as an end in itself, thus making a fetish of what is a means to greater prosperity. Does the hon. Gentleman agree that to make competition an end in itself is economic reductionism of the worst order?

Dr. Cable: Of course competition is a means rather than an end, but the French President is seeking ends that are based in economic nationalism. Most of us feel that that is extremely unhelpful in the context of the economic union.

The Secretary of State spoke about the fundamentals of the single market, and he was right to begin by emphasising that the single market is the bedrock on which the EU is built. It is the EU's greatest success, and it underpins the rise in living standards that we all enjoy. The common market, followed by the single market, has attracted and sustained the membership of countries from southern and eastern Europe, permanently liberating the first group from fascism and the second from communism.

Those are major achievements, and we should underline the major contribution that the single European market makes to the UK economy. We often take it for granted, but roughly 63 or 65 per cent. of British visible exports now go to the EU, compared with 43 or 45 per cent. in the mid-1970s. The EU market represents some 40 per cent. of total world trade, so it is an enormous entity into which we are fully integrated. Britain has benefited disproportionately from the very large amount of inward investment in the single market that has taken advantage of its unified characteristics.

Those are major benefits, but I often meet people who would be described as Eurosceptics—I am talking about people old enough to have been able to make their choice in a referendum—and they say, "We voted to join the common market, not for silly political things like square tomatoes, straight bananas and abolishing double-decker buses." From the outset, we must acknowledge that the establishment of the common market and the single market had very far-reaching implications for how we do things. They include many of the things that people often do not like but which are the flip-side of the benefits.

Let us remind ourselves of how the EU is structured. The simplest base is the free-trade area. Superimposed on that is a customs union, and on that a common market that involves freedom of movement of people and capital. That freedom of movement explains why so many foreigners have come here—more than 600,000 from eastern Europe alone. However, we should also recall that 750,000 Brits have gone to the south of Spain and 300,000 to France. No doubt they are regarded in much the same way as we regard the eastern Europeans—

Frank Dobson: Only they're no good at plumbing.

Dr. Cable: The right hon. Gentleman is right. The Brits are good at buying houses, but not at plumbing.

On top of all that, there is the competition policy that is essential for cross-border mergers and monopoly relationships. We need to have a discipline governing state aid, and finally there is the single market. The right hon. Member for Suffolk, Coastal (Mr. Gummer) helpfully reminded us of the major contribution made by Lady Thatcher—Mrs. Thatcher as she then was—in introducing the single market. She was acting on the advice and encouragement of Lord Cockfield, who was the real inspiration behind the move.

It is worth recalling what the then Prime Minister said, as in no sense was she naive about the implications of the single market. In her diary, she wrote:

"British business would be amongst the most likely to benefit from an opening up of other countries' markets...The price which we would have to pay to achieve a Single Market with all its economic benefits...was more majority voting in the Community."

She therefore understood very clearly the price that had to be paid if the objective of a single market was to be achieved.

Similarly, it is inherent in the creation of a single market that there is more harmonisation. That can often be very irritating and produce slightly absurd consequences, but it has to happen. Anyone who has been involved in the standardisation process more generally, such as through the International Organisation for Standardisation in Maastricht, will know that there has to be a degree of harmonisation if meaningful markets are to be achieved.

The classic case is the square pin plug that does not fit in round sockets. At some point, people have to agree that there has to be interoperability and that means that there has to be harmonisation. However, harmonisation can be frustrating, and it imposes some of the regulatory costs about which the right hon. Member for Wells (Mr. Heathcoat-Amory) was complaining.

Mr. Cash: The hon. Gentleman is making an interesting and fair analysis, but he has not yet mentioned one of the crucial problems. I voted for the Bill that created the single market when it had its Second Reading in this House, but I said:

"The European Court of Justice will be involved...Who will control it all?"—[*Official Report*, 23 April 1986; Vol. 96, c. 379.]

The same question arises in connection with the matter that we are discussing today, and for the same reasons. However, the accumulated functions and the acquis communautaire have made the cost of over-regulation intolerable, and my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) was right to say that the European Commissioner had put that cost at £450 billion a year.

Dr. Cable: I will come on to the cost of regulation later. Of course there has to be an arbiter, because there will obviously be disputes. That applies to all

[Dr. Cable]

international organisations. I am sure that the hon. Gentleman, who is a global liberal in an economic sense, will accept that the World Trade Organisation has to liberalise trade. It has dispute panels, and bodies comparable to the European Court of Justice that make rulings in much the same way as the ECJ does. That is the only way in which trade can proceed.

Mr. Mark Hendrick (Preston) (Lab/Co-op): On bringing in common standards, does the hon. Gentleman agree that harmonisation has meant that lots of different standards in different countries have been torn up, particularly in many western, developed EU countries? National regulation has been removed and European regulation has been introduced. In eastern European countries, where there was no regulation, standards have been raised as a result. Some standards have been lost as harmonisation has taken place, but some standards have been raised.

Mr. Deputy Speaker: Order. May I make a plea for short interventions? There is precious little time left, and a number of hon. Members are seeking to speak.

Dr. Cable: I agree with the point made by the hon. Member for Preston (Mr. Hendrick).

Mr. Gummer: Does the hon. Gentleman accept that common markets that did not set up a firm institutional base with a court have been almost stillborn? Common markets need such a base if they are to work.

Dr. Cable: The right hon. Gentleman is correct. In my earlier professional career, I tried to help establish common markets in Latin America and Africa. All of them failed because they lacked strong institutional underpinning. The European Union is the one that has succeeded. Of course, that underpinning does not have to be rigid; one of the major innovations that is not referred to in the treaty, but which has become part of Commission practice, is what is called mutual recognition—recognition that we are gradually deepening the single market through mutual acceptance of other countries' rules. That is why there is now mutual recognition of professional qualifications, for example. That does not have to take the form of blanket harmonisation. Those moves are progress.

I shall cite a few topical recent examples of Commission and Court rulings that have taken forward competition policy and the single market in a common-sense, practical way to the benefit of consumers. First, the European institutions stood up to the credit card companies on the charges that they imposed on shops for clocking up credit card transactions. The Office of Fair Trading had a go at the companies, but it was the European Union that really made the big difference to consumers.

The European institutions tackled the monopoly that British Airways and Virgin had on transatlantic flights—an issue that no British Government had been willing to deal with—and opened up the low-cost airline business. We may have doubts about that business for environmental reasons, but from a consumer point of view it was a major advance. *[Interruption.]* As the hon. Member for Wolverhampton, South-West (Rob Marris) is trying to prompt me to say, there have been considerable advantages on telephony, as a result of roaming charges, and before that, there were many significant advances on telephone costs. Those are all achievements of the single market concept.

The European institutions also stop Governments doing foolish things. I am tempted to mention Northern Rock. Of course we can all criticise what the Government are doing, and the press will do so, but the one institutional constraint on the Government's aid to the bank is the European Union. That is what is binding the Chancellor of the Exchequer; he is totally constrained by the EU. Those are some of the many practical ways in which the single market benefits us.

Mark Pritchard (The Wrekin) (Con): I accept what the hon. Gentleman just said, but does he accept that if we signed up to a single monetary policy, there would be greater restraint on future Governments, whether Labour or Conservative?

Dr. Cable: Or Liberal Democrat, for that matter. Yes, there almost certainly would be greater restraint, but I think that we all accept that that is not the debate that we are having now. I think that all parties are committed to having a referendum on that possibility, if it arises in future, as it may well do.

Of course there are concerns about the single market. First, many UK businesses worry that their liberalisation is not reciprocated. A few days ago I was at Royal Mail's south-west London sorting office—a very efficient installation. When I looked out of the window, I saw the headquarters of TNT, a Dutch competitor. The general manager said, "I'm all for liberalising the Royal Mail market, but why can't the Germans, the Dutch and the French do the same?" and he is quite right. The logic is that prising open the other European markets will require stronger, not weaker, intervention by the Commission and the European Court of Justice.

Precisely the same point can be made about areas in which there is frustration about the slowness of the single market's progress—a point to which the Conservative spokesman referred. The obvious example is services. It has taken years to get any kind of agreement on services in Europe. The agreement that we reached in 2006 is fairly weak; it does not respect the underlying principle of the origin of the country concerned, which is what would really open up a services market, which does exist. Clearly, for services liberalisation to progress faster, there would have to be more qualified majority voting and more European Union decision making on the matter.

Finally on the single market, the right hon. Member for Wells said that all progress has come at a price—at the cost of regulation in Europe. He is right up to a point. There is a lot of unnecessary bureaucracy associated with European regulations and directives. Of course, we have often compounded it by gold-plating them here. The Secretary of State was right to point out that there is now a process—the Lamfalussy process—for making the system much more efficient. The question that I would pose to the right hon. Member for Wells if he was still in the Chamber is this: what is the counter-factual case? What is the alternative

to having a bureaucratic regulation? It is probably having 27 bureaucratic regulations across Europe, which would compound the cost many times over.

Let me briefly cover the items allocated for today's debate, and the treaty powers relating to economic matters. The euro procedures clearly do not apply; I answered an intervention on that point. Other issues include the definition of the framework for commercial policy, which I do not think is controversial, and the co-ordinated approach to self-employment. I would have thought that such an approach was sensible. We have rules governing freedom of capital and professionals, but not self-employment, as would be logical.

The issues to do with intellectual property rights are trickier. As I understand it, the measures will make it easier to have common European Union rules on copyright, trademarks and patents, which will make it easier to do business that involves them, and that will be good for British intellectual property right holders. However, as the Secretary of State conceded, when it comes to patents, the tricky issue of language has not been resolved. We will still not have unanimity, and that is a source of frustration. As the author of the Cable Bill—that famous copyright protection legislation—I look forward to seeing copyright protected across the whole of Europe, in a way that accords with the sanctions that I introduced in the House. Those are not issues on which there is a great deal of controversy.

On the important contribution made by the right hon. Member for Holborn and St. Pancras (Frank Dobson), one of the less discussed issues is that of what are called general services, of which the NHS is an obvious example. My understanding of the protocol governing the treaty is that it does not take us very far towards a common approach to NHS entitlements. In fact, article 2 of the protocol says:

"The provisions of the Treaties do not affect in any way the competence of Member States to provide, commission and organise non-economic services of general interest."

The basic principles of the NHS would therefore remain pretty much intact, as I understand it.

However, I disagree with the right hon. Gentleman to some degree. He was right to say that the Liberal Democrats were sympathetic to the Watts ruling. The question that we would ask is this: if it is right for people to buy a house, travel or exchange goods in Europe, what is wrong with their trying to pursue a higher life expectancy in countries that have better cancer treatment? Surely common sense would say that that is a reasonable expectation in an integrated market. People will do that, and as long as the basic frameworks of the NHS remain intact, I do not see anything fundamentally wrong with enlarging the concept of a single market to include health.

Frank Dobson: If someone buys a house in Europe, they are spending their own money. If someone gets NHS treatment in Europe, they are spending somebody else's money that might have been spent in the national health service.

Dr. Cable: That is absolutely true, but the right hon. Gentleman was also questioning people's ability to spend their own money, was he not, through co-financing? That is a much bigger debate, and I understand the sensitivities around it. We share a commitment to the British national health service, but we also want choice to be extended.

Finally, I shall deal with the issue on which the Conservative spokesman spent so much time: the threat to the competitive market within Europe presented by the Sarkozy approach to national champions. The hon. Member for Runnymede and Weybridge is right to stress the current spasm of economic nationalist thinking about energy companies and so on, not just in France but in Spain and Italy and sometimes in Germany and elsewhere.

We should not be totally self-righteous about this. We have had and continue to have national champions of our own, but they take a different form. The debates that I have tried to provoke in the House on BAE Systems relate to a British national champion where politics and commerce have become rather dangerously intertwined. We should not be too pious on the matter, but the hon. Gentleman is right that there was a retreat from a commitment in the treaty to an undistorted internal market.

The objective legal position remains very much as the right hon. Member for Leicester, West said: we have exactly the set of rules governing the single market and competition policy that prevailed before. Neelie Kroes, the Dutch Liberal who presides over competition policy, has spelled out clearly where we currently stand. The protocol on the internal market and competition which was agreed at the European Council clearly repeats that competition policy is fundamental to the internal market. It retains the competition rules that have served us for 50 years, and reaffirms the European Commission's duties as the independent Commission enforcement authority for Europe. Nothing formally has changed, although the hon. Member for Runnymede and Weybridge is right that there is a change of mood that is potentially worrying and it is right to signal our concerns about that.

In conclusion, it has always been understood that we on the Liberal Democrat Benches are strong supporters of the European project. We are not uncritical. There are areas where we have fundamental disagreements. We have been critical of agricultural policy, particularly its protectionist features. We have been critical of the European budget and voted against it a few weeks ago. We believe that there should be more subsidiarity, including in areas of social policy, which should not be prescriptively applied at a European level. None the less, the fundamentals of the European project are sound, they are reflected in the treaty, and that is why we support it.

3.12 pm

Nia Griffith (Llanelli) (Lab): The single market is central to the European Union. We know that in the 1950s the forerunner of the European Union grew out of the agreements between France and Germany for the benefit of their coal and steel industries. Fast-forwarding to the early 1990s, we eagerly anticipated the advent of the single market, with its principles of the free movement of people, goods, capital and services. Inevitably, that cannot be achieved Harry Potter-style by the wave of a magic wand on a single date. It is a process of slow evolution, and the treaty that we are debating today is one further step in that process of evolution.

[Nia Griffith]

I remind the House how much we depend on the single market—3.2 million UK jobs are dependent on exports to the rest of the EU, and some £550 million-worth of goods and services are exported every day to other EU countries. Some 63 per cent. of our exported goods go to other EU countries. Without the customs union that the EU single market provides, those markets would be much more difficult to access.

The creation of the single market has cut companies' overheads and much of the red tape, especially if one compares the difficulties of exporting to non-EU markets. It also ensures that EU countries recognise one another's product standards. That means that UK manufacturers can save on the considerable costs involved in retesting and modifying products to meet specific standards required in non-EU countries.

One would expect more services to be marketed to people in their home countries; nevertheless, some 40 per cent of services exported by the UK go to the rest of the EU. A large amount of foreign investment from other EU countries also comes into the UK. The EU provides a better deal for consumers—we have lower prices and less red tape, we have full consumer rights when we go shopping in another EU country, and we have fairer competition.

Of course things are not always right, and there will always be details that we want to work on further. For example, we know that work is being done on roaming charges for mobile phones. We know, too, about the energy market in which there has been some liberalisation but where some aspects are still not right. One domestic problem that we have is the tremendous disparity between what a poorer household pays for electricity and what a richer household pays, based on the difference between payment for electricity on a meter and payment by direct debit. There will always be problems that we need to put right, but the structures are in place to allow a pan-European approach to resolving them.

We hear a good deal about migration. We hear about the thousands of EU migrant workers who have come to the UK and who make a valuable contribution to our economy, but we often forget about the 1.6 million Britons who are living in other parts of the EU. They go there for various reasons—for work opportunities, to travel and broaden the mind, because of family ties, or simply because they enjoy the climate. The main countries that they like to go to are France and Spain.

We may have an image of such people being rather privileged—possibly top company executives—but travelling back by boat from northern Spain on a stormy Christmas eve one year, I met numerous people who were working in Spain and coming home for Christmas. What were they doing out there? They were plumbers, painters, builders and all manner of small business people who were making a good living in another EU country. They were immensely helped by the single market in so many aspects of their working lives. Even though they encountered Spanish bureaucracy, which is a law unto itself, they were grateful for the many issues that they were able to sort out much more easily because of the single market. All together, we make 51 million journeys to other EU countries, and 21 million visitors come to the UK. Tourism is an immense source of income for us.

People criticise EU legislation but we have benefited from it. Without legislation from Brussels, we would have to legislate about the same issues in this place, so it is a help to us and it can even out the differences and the competitive disadvantages between EU countries. We have the right to 20 days' annual leave. Our pensioners can claim their pensions in mainland Europe. We have minimum standards of paternity and maternity leave, and equal pay and protection against discrimination in the workplace. All those important advances have been brought to us through the single market and EU structures.

Objective 1 status has been a tremendous help to us in Wales. It represents the principle of resourcing less advantaged areas that are often disadvantaged precisely because of their geographical location on the periphery of the EU, as opposed to the motor regions of France, Germany, northern Spain, northern Italy and the southern part of the UK, which are nearer the centre. Objective 1 money has provided immense benefits to Wales. For example, more than £3.2 billion of investment has been made in west Wales and the valleys in all sorts of projects, such as the techniums, which attract and nurture small businesses and provide opportunities for local people to develop their own businesses or attract investment from outside. In Llanelli the extraordinary task of clearing away a huge coastal area of derelict industrial ground, cleaning and restoring it and preparing it for new state-of-the-art factories has been possible with the use of EU funds.

I conclude with a few words from Giscard d'Estaing, who has not yet been quoted in today's debate.

Mr. Mark Francois (Rayleigh) (Con): Not today, but once or twice before.

Nia Griffith: Indeed. The hon. Member for Rayleigh (Mr. Francois) did not let me intervene on him in the previous debate during which that individual was mentioned. Apart from speaking about the constitution and the treaty, Giscard d'Estaing also stated clearly that

"Britain has also been allowed to be the odd one out whenever it feels like it."

That is an important feature of the treaty: we can have our cake and eat it. We have got what we want from the negotiations. That is why I commend the treaty to the House and I will not vote for the amendment.

3.19 pm

Mr. John Gummer (Suffolk, Coastal) (Con): We have to be very careful about being curmudgeonly about the European Union. The truth is that we are all immensely better off because we are a member of it, and the single market is the key part of that. No single market works unless justiciable responsibility is accepted; there has to be a court that makes decisions. Sometimes we do not like its decisions and sometimes we do, but the court is part of what is necessary if the thing is to work.

We have to recognise that the European Union has changed other countries significantly more than it has Britain. We always talk as if Britain has had to change. I declare an interest: I have done business in France for 40 years. That means that I know about the enormous changes that have taken place in France because of its membership of the European Union and because of the single market.

We have the curious view that somehow or other we are a sort of victim in this. One of the reasons for that is, as my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) has said, that Governments of both parties have talked about "going to Europe"—as if it is somewhere else and we are not in it—and discuss it as if they always had to go there for a battle. The truth is that we go there to sit round a table and make decisions together. Historically, we could either not make such decisions or had to fight to make them.

We should be much more willing to be enthusiastic about the successes of the European Union so that we can improve it. I say to my hon. Friends on the Front Bench that they would be more credible if they showed enthusiasm for the good things and then went on to say that they would like to improve the European Union. I would like to improve it a good deal. I have to say to the right hon. Member for Holborn and St. Pancras (Frank Dobson) that I do not understand his argument at all. If we exclude people from making choices in the European Union about the bits of his choosing, we will only open the gates to the protectionism of, say, the French—and exclude other things. The deal is for all of us, and all of us have to accept it.

Frank Dobson: The existing treaty and new treaty provide that there should not be a European Court of Justice intervention to overrule the protection for health care systems in respect of considerations of the internal market. My objection is that if that is in the treaty, the court should be bound by the treaty.

Mr. Gummer: I have always believed that courts have to make decisions on the facts put before them; the bits that we get are often very partial. I prefer my constituents to have more opportunities rather than fewer. For many years, I have been seeking in the House to extend them.

Michael Connarty (Linlithgow and East Falkirk) (Lab) *rose—*

Mr. Gummer: I think I should go on. I say to my hon. Friends in particular that their arguments sometimes compare the European Union with perfection, as if there were a perfect alternative. I merely suggest that although the European Union is not perfect, the alternative is very much worse. A comment was made about having 27 different sets of regulations rather than one, and that was perfectly reasonable, particularly as we are largely at fault because we have gold-plated almost every EU regulation. The recent arguments about what might have happened with Northern Rock show that the very issues raised were issues gold-plated by this Government, not by the EU itself.

My experience of environmental issues suggests that the single market has benefited us considerably and that many of our most important decisions would not have been made without the pressures of the EU. If anyone really thinks that we would have had a proper water system in this country if we had not signed up to the water directive, they do not know the history. People can certainly not argue that we could have a clean air or clean water policy, within which the single market has to operate, if there were no EU.

We have to be a bit serious about the effect of the changes. I agree with the hon. Member for Twickenham (Dr. Cable), who referred to the symbolic concession made by the British Government. However, my hon. Friend the Member for Runnymede and Weybridge (Mr. Hammond) explained what he said experts thought of the matter, but his quotation was not from experts, but from Mr. Sarkozy. That is like explaining the Iraq war by quoting Mr. Blair—we are not talking about an expert, but about someone who is parti pris. I want to look at independent sources. Mr. Sarkozy was putting forward his case, as politicians do. I would much prefer to listen to the Law Society, which clearly tells me that the change does not water anything down. It is symbolic; I think it a pity that it was made and that the Government did not argue well enough, but the fact is that fundamentally there is no change and nobody should be worried about the treaty as far as a single market is concerned.

We should recognise that if we want to change and improve the single market, that will mean Britain agreeing to do things together with others so that together we can create a more effective market. Instead of complaining about that, we ought to be out there explaining why it is worth while. It is better for my constituents that they can travel and know that there are the same standards of health and hygiene throughout the European Union. It is better for business men in my constituency to know that they can trade in the EU and that the standards are the same. Above all, it is because the EU is the world's largest single market that it can get the terms of trade that we need in the world, and that is so important to us.

Having been president of the Agricultural Council, I have negotiated on the international trade in agricultural products. I can tell the House that the agreements were made between Europe and the United States. The other countries made speeches, but the decisions were made between the world's two biggest trading units. Anybody who undermines Britain's membership of the EU undermines our ability to play a proper part in the international trading arrangements on which we, of all nations in the world, depend most.

Some of my hon. Friends ask, "There's a bigger world out there—why do we concentrate so much on Europe?" I say to them simply this: in the European Union we have a voice in the formulation of trading policies that enables us to create the conditions in which world trade is carried out.

Mr. Cash: My right hon. Friend is making a cogent case for his point of view, with which I do not agree. Given what he has said and all the advantages that he claims for this great European Union, why is the gross domestic product of European nations, in aggregate, plummeting?

Mr. Gummer: The one advantage that I have over my hon. Friend is that I am in business, have been in business and continue to be in business. He says that the GDPs of member states are plummeting; I say to him that outside the EU they would reduce significantly more. Any business man will tell him that. My hon. Friend's theory would destroy Britain's ability to trade within our largest trading unit and, more importantly, its ability to arrange the terms of trade in a way that was beneficial not only to the whole of Europe, but to Britain in particular.

[Mr. Gummer]

I would simply say to my hon. Friend that, if he wants to relegate us to the edge of the world trading system—where we would constantly have to place our future in the hands of other people and play no part in deciding how our future was regulated—then let us do what he wants. Let us make a so-called free arrangement, with none of the systems that enable us to make such decisions. I direct him to *The Wall Street Journal*, a newspaper that I read every morning. It said recently that it was the European Union that was laying down the terms under which trade took place, and making the decisions on the environment that were laying down the environmental terms under which people were increasingly manufacturing.

I say to my hon. Friends that we can interpret the term "social market" in two different ways. I hope that they do not really believe that competition is the only issue. No one could be a stronger supporter of competition than I, but I do not want competition that means that the Bangladeshis do not get proper payment for their work. I do not want unsafe factories to undermine British businesses. Competition must exist within a sensibly regulated market. That is what we have always believed. That is what "one nation" means. It means that we believe that competition drives the market—

Mr. Cash: Europe—one nation.

Mr. Gummer: The one nation that I was referring to, as my hon. Friend knows, was that of Disraeli, who was not talking about Europe. I am not keen on my hon. Friend trying to put into my mouth words that he knows perfectly well I have never said. I would just remind him that the one nation principle—the principle that we are together trying to raise the standards of all of us—applies more widely in the European Union, because we want standards to rise there, too.

3.30 pm

Mr. Doug Henderson (Newcastle upon Tyne, North) (Lab): The Lisbon treaty does not change the original single market very much. There are some technical points, to which my right hon. Friend the Member for Leicester, West (Ms Hewitt) drew our attention, about definitions in the main treaty and in the protocol, but the single market itself is not changed dramatically by anything in the treaty.

I know that, in a debate that is structured like this, Oppositions have to try to table an amendment that relates to the issue, and I know that the Opposition have tried very hard in this regard. However, they have not been very successful, except at incriminating themselves, because the only term that catches my eye in their amendment is "undistorted competition". We have already heard exchanges on that subject between the right hon. and learned Member for Rushcliffe (Mr. Clarke) and my hon. Friend the Member for Wolverhampton, South-West (Rob Marris) and me. What we have learned from this debate—and we might learn more—is that we are beginning to understand more about the Conservatives, the single market and the European Union itself.

The main thing that we are beginning to learn is that the Conservative party today does not understand what is on offer. I exempt from that observation the right hon. Member for Suffolk, Coastal (Mr. Gummer), who made his position very clear. I agreed with almost everything that he said about a modern Britain in a modern European context. The rest of the Conservatives who have tried to take part in the debate have, however, failed to be precise about what they actually stand for.

The right hon. Member for Wells (Mr. Heathcoat-Amory) seemed to want no regulation at all in the European Union, and to send the kids back up the chimneys. He seemed to want a kind of pre-mercantile anarchic capitalism, if there is such a thing. I know that some members of the Conservative party want a customs union, and some of them might want a common market. I have to say to them, however, that none of those things is on offer. When the Conservatives talk to British business and British work people about what is on offer, there is no point in talking about pre-mercantilism, anarchic capitalism or customs unions, because they do not apply.

What is on offer is a single market and a social market. We cannot have just a single market. I think that most Members on both sides of the House want a single market, but, if that is what we want, we also have to agree that there is a social market. The Conservative party—although not all Conservative party members—are now pretty much isolated in the whole of Europe. Apparently, it has only one ally, which is some right-wing fringe party in the Czech Republic. That is the only party with which the Conservative party is prepared to sit down and talk about common positions before entering into negotiations in the European Union.

Some Conservative Members have been here before. I see the right hon. Member for Skipton and Ripon (Mr. Curry), who has been in the European Union and knows how negotiations take place. One cannot build alliances only with fringe parties in the Czech Republic if one is going to represent British business—

Mr. Francois: The party to which the hon. Gentleman is referring is the ODS, which is the party of Government in the Czech Republic. Is he saying that the Czech Government are a fringe party?

Mr. Henderson: If the hon. Gentleman is accurate, it is one of the coalition parties in the Government, and it is considered to be a relatively fringe party. That is the view that I have picked up, and I am sure that it would be confirmed by anyone else in the European Union. It is not akin to a main conservative party in Germany, France or suchlike.

Mr. Hendrick: I support what my hon. Friend is saying. The ODS is a fairly new, right-wing party. Does not that show the degree to which the Conservative party is going off the rails? The main conservative parties across Europe—the Christian Democratic family—accept the economic dimension of the single market, the social dimension that the European Union now has, and the political dimension that has come with the development of the European institutions.

Mr. Deputy Speaker (Sir Michael Lord): Before the hon. Gentleman responds to that intervention, may I say that although we have a time limit of eight minutes on Back-Bench speeches, an awful lot of Members are still trying to catch my eye and it would be helpful if any hon. Members feel that they can take less than their allotted time.

Mr. Henderson: I am grateful to you, Mr. Deputy Speaker. This hon. Member will feel able to take less than his allotted time.

I agree with my hon. Friend the Member for Preston (Mr. Hendrick). The tragedy for the Conservative party's relationship with British business is that British business knows that the party is off the rails but does not know where or how it is off the rails. The Conservative party cannot face up to the realities of modern-day participation in Europe, as British business has to. British business and the people who work for it have to face up to the realities. Would Nissan in Sunderland, or Sanofi Aventis or Nestlé in my constituency in Newcastle, have any trust in a Conservative Government with such an unclear and, where it is clear, negative policy towards Europe? When there are issues that matter to them—in Nestlé's case, the sugar agreement negotiated by the European Union—they want to know that the British Government can sit down cogently with other Governments and other parties throughout Europe to find a negotiated solution that is sensible for Europe and sensible for British interests? If companies such as those were considering investing in Britain, before doing so they would think about it very seriously were there a Conservative Government with a policy as unclear and as negative as that of the current Conservative Opposition.

All those things are very damaging, not only for the Conservative party but for British industry. One thinks back to the days of Macmillan and Heath. In Heath's time, I used to attack the Conservative party for being too close to British business. It is miles away from British business now, with no comprehension of what is entailed in trying to build a product, trade within Europe and seek investment from Europe.

Michael Connarty *rose—*

Mr. Henderson: I am not taking any more interventions, as I promised Mr. Deputy Speaker that I shall not take my full time.

In the short term, it is crazy to believe in a competitive economy and not to accept the fairly modest changes in the Lisbon treaty to extend liberalisation through qualified majority voting in the energy markets—that is vital for the companies that I mentioned but also for everyone else—in telecommunications, where Britain has a fairly strong role and it would definitely be in our interests, and in financial markets and services. In the long term, were I speaking on behalf of British business generally—I am speaking only on behalf of businesses in my constituency—I would worry that a major political party in Britain has such a low commitment to the European Union that it puts at risk all the benefits that were mentioned by the right hon. Member for Suffolk, Coastal and which are available from the single market.

All those companies and all the people who trade in Europe recognise that by any sort of definition of a civilised industrial scene, it is not possible to have a single market without a social market. Both are taken together, and then we look for reform. It is important to reform them both so that they both work effectively.

3.39 pm

Mr. James Clappison (Hertsmere) (Con): It is a pleasure to follow the hon. Member for Newcastle upon Tyne, North (Mr. Henderson). I do not agree with everything he said, but he is extremely well informed about this subject. It is also a pleasure to follow my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer), with whom I am in complete agreement on these matters. It has been a strange debate because, as the hon. Member for Newcastle upon Tyne, North illustrated and implied, we have had a general debate about the single market and its history, rather than line-by-line consideration of the changes that the Bill makes, which is what we were promised.

There is another reason why this debate has been strange. Perhaps we should rename it the Lady Thatcher debate, because her achievements in introducing the Single European Act and the single market have been lauded throughout the House. There is now a consensus. Thinking back, I cannot remember Lady Thatcher being decked with garlands of praise by the then Opposition. Labour and Liberal Democrat Members might be provocative in the debate, but I have quotes of what they said at the time. I will not use them because I do not want to disturb—[HON. MEMBERS: "Go on!"] A good précis would be that she got it all wrong and that Britain was isolated in Europe. Suffice it to say that I would rather have Mrs. Thatcher negotiating for me on the rebate when she is isolated, than certain other leaders with plenty of allies.

The hon. Member for Twickenham (Dr. Cable) is right when he says that the single market has been at the heart of public perception of the European Union in the UK. As he rightly reminded us, that goes back to the referendum of 1975, when being part of the trade bloc was the first of the three main reasons that the Government of the day gave for saying yes. The other two reasons were a guarantee of secure supplies of food and getting more European Community money spent in Britain. In view of the subsequent history of the common agricultural policy—about the only European matter with which the Liberal Democrats would now disagree—and the tangled history of the UK contribution to the budget, perhaps it is best to draw a veil over both those issues.

To the credit of the Government of 1975—a Government who had some impressive and significant figures, and some very good parliamentarians—they were clearly worried about the impact of the European Union on this House. A large section of the explanatory document that they issued was entitled, "Will Parliament lose its power?" The electorate of the day were told:

> "It is the Council of Ministers and not the Market's officials who take the important decisions. These decisions can be taken only if all the members of the Council agree."

That solemn safeguard has long since fallen by the wayside.

Mr. Simon: Will the hon. Gentleman give way?

Mr. Clappison: I will later, if I get time.

Mr. Simon: Will he give way on that point?

Mr. Clappison: All right, very briefly.

Mr. Simon: The hon. Gentleman mentioned the Single European Act and the Maastricht treaty in glowing terms, but did not those treaties bring about the two greatest—by a massive margin—extensions of qualified majority voting?

Mr. Clappison: It would have been better if the hon. Gentleman had waited until the end of my speech. I shall give way to him once he has heard my whole argument.

We now see a consensus on the Single European Act. That Act did indeed establish qualified majority voting to complete the market, but the problem is—and it is also a problem for the hon. Gentleman—that it did not stop there, as far as the European Union was concerned. We now see, particularly in this treaty, an extension of qualified majority voting into fields far beyond the single market. I asked the Secretary of State what proportion of our law came from the EU, and he did not know. I am not sure that he would know how much of our law is determined by qualified majority voting either. The ink was barely dry on the Single European Act when the process began that led to the treaty of Maastricht, to which the hon. Gentleman also alluded, and the Conservative Government of the day, very much to their credit, negotiated to put in place the safeguard of a pillar structure. The ink was barely dry on the treaty when the European institutions moved to new ground and set about collapsing the pillars.

We moved on—this is the real answer to the hon. Member for Birmingham, Erdington (Mr. Simon)—to the European area of justice, freedom and security, more developments in the common European foreign and security policy, and developments that we were told might lead to common European defence. We then came to the long list of policy areas that the treaty contains. The right hon. Member for Holborn and St. Pancras (Frank Dobson) gave a good example. He complained that the health service would not be the sole responsibility of the House and was worried about the influence of US health corporations.

Whatever our view of the Single European Act, we must ask whether it was the genuine aim of the European Union or simply a tool to accomplish other, different objectives. That is a live debate in Europe—perhaps it should be heard more in this country.

The outcome of the negotiations on the treaty provided one answer to that debate. After the French no, the Government experienced the humiliation of "competition... free and undistorted" being removed from the list of the objectives at the beginning and put into the protocol at the back.

The Government are trying to get round that political humiliation with an argument based on legal technicalities about the effect of law in the protocols and law in the body of treaty. The objective was moved expressly and deliberately through the intervention of the French Government. It was at the beginning of the treaty and would have determined the shape of the EU and the shape of things to come. Our Government's negotiations on that failed and we suffered the humiliation, which has been trumpeted in France and many other parts of the EU, that free and undistorted competition is not the EU's objective. Whatever the legal force of the Government's achievement, it is not the same as having competition as an objective.

Time and again, the Government return to the House from negotiations and try to put a brave face on their defeats. They have had to accept provisions that they opposed and subsequently performed contortions, with Ministers describing them in the House as a great step forward and good for the country while simultaneously introducing proposals to ensure that they would not apply here.

Historians will have an interesting time investigating the background of and motivation for the UK negotiating position last June and earlier, when the rebate was lost. My hon. Friends talk of incompetence and it may be part of the historians' remit to investigate that. However, such failure is partly inherent in the UK's relationship with the supranational authority of the EU.

It is a shame that Ministers cannot admit the truth to the House: sometimes, because of the nature of the institution, they cannot get their way in negotiations and they have not been able to secure what they and this country's electorate would have preferred. We must therefore be careful and jealous of the power of the House. We must be careful about the matters for which we permit the EU to exercise power over our electorate.

Power is either exercised here, where we are accountable to our constituents and Governments are accountable to the people, or it is not. In the latter case, it is exercised elsewhere and the relevant authority is not so accountable. We sometimes pretend that, in the history of our relationship with the EU, there is some huge, underground storage facility beneath the House, containing unexercised and undistributed power.

I reiterate that power is exercised either here, or in Europe, by a supranational authority, over which we have limited ability to shape what takes place. Of course, we go to the limit of that ability, but it is not the same as national parliamentary accountability. That is the shame of our current proceedings, which are a travesty. We have been denied line-by-line consideration of the treaty. There could be no more compelling evidence of the way in which power has passed from the House and the House has been degraded. That is to the House's discredit.

DEFERRED DIVISION

Mr. Deputy Speaker (Sir Michael Lord): I now have to announce the result of the Division deferred from the previous day.

On the draft Wiltshire (Structural Change) Order 2008, the Ayes were 269, the Noes were 158, so the motion was agreed to.

[The Division Lists are published at the end of today's debates.]

Treaty of Lisbon (No. 4)

Question again proposed.

3.49 pm

Sir Stuart Bell (Middlesbrough) (Lab): I am grateful to follow the hon. Member for Hertsmere (Mr. Clappison), who made a sound and strong speech.

We have heard some great names thrown around the Chamber, such as Mr. Giscard d'Estaing, President Sarkozy and Baroness Thatcher; indeed, we have even gone as far back as the rebate, which she negotiated after 1979. However, I should point out to the hon. Gentleman that it was Jim Callaghan who first raised the rebate when he was Prime Minister in 1978. It was not Lady Thatcher alone who secured it; rather, it was already a Government policy to get some rebate back.

There is a paradox in the Conservatives' policy on Europe. The one thing that they should support is the single market, because a free trade area is what they essentially believe in, yet they walk away from it. The hon. Member for Hertsmere touched on that when he talked about supranationality, but I should remind him that from 1957 the goal of the European Union, as it now is, has been ever closer union. The Union is a political space, an economic space and a geographic space—it is all three, together as one. Today we are debating the economic space proposed by the Lisbon treaty and the essence of the Common Market, or the single or internal market, as it is now called.

We have, rightly, been given quite some time to deal with the motion, to which the amendment standing in the name of the right hon. Member for Richmond, Yorks (Mr. Hague) has been moved. We have heard interventions from the hon. Members for Forest of Dean (Mr. Harper) and for Hertsmere and my right hon. Friend the Member for Leicester, West (Ms Hewitt), as well as a speech by the hon. Member for Runnymede and Weybridge (Mr. Hammond). It is as well that we use this time to lay to rest the issue of the protocol—that is, the idea that we moved away from having undistorted competition in the new amending treaty.

It is a surprise that the Conservatives complained about the constitutional treaty—they say that it is not defunct, but what we are dealing with now—because the phrase "free and undistorted competition" was in fact contained in article 3 of the now defunct treaty. When the constitutional treaty was abandoned, so was that article. The protocol is indeed legally binding, as my right hon. Friend said last week, quoting the Law Society. The internal market, as set out in article 2 of the treaty on European Union, includes a system ensuring that competition is not distorted. We can go as far back as the European Coal and Steel Community or the treaty of Rome, whose essence was the idea that the great nation states of Europe would never fight again, because trade would prevent them.

Mr. Lilley: The hon. Gentleman is saying that the Lisbon treaty is somewhat worse than the original constitution, on which he promised his constituents a referendum. How can he, as a man of integrity whom I greatly respect, justify not fulfilling his promise when he is now offering them something even worse?

Sir Stuart Bell: I have the same respect for the right hon. Gentleman, as he will know. We go back a long way and I always congratulate him on his Europeanism, with his house in France. It is very nice of him to be so European and to have a domicile in France as well as one here.

I shall not try to quote Shakespeare again—you did not want me to do so last week, Mr. Deputy Speaker—but there are so many arguments that could be made on the Single European Act and the single market, yet they are not made, even by the hon. Member for Runnymede and Weybridge or the right hon. Gentleman. However, I would like what we mean when we talk about this legally binding protocol to be put on the record at least once, properly and coherently, because there are those in this country who follow our debates in *Hansard*. The former Prime Minister, Tony Blair, said:

> "There was also a discussion at the Council about competition. The treaties have always made it clear that competition in the internal market should not be distorted. The now defunct constitutional treaty's objectives would have included new wording about "free and undistorted competition". When the treaty was set aside, that provision was lost, but we agreed on a new and legally binding protocol to be annexed to the treaties, which reaffirms the commitment to ensuring that competition is not distorted, and the other references to competition in the existing treaties will remain: for example, articles 4, 27, 34, 81 to 89, 96, 98, 105 and 157 from the European Community treaty. The legal position in relation to competition therefore remains unchanged." [*Official Report*, 25 June 2007; Vol. 462, c. 22.]

Michael Connarty: Should not the removal of undistorted competition be welcomed, when we know that it is combined with the victory on the services directive, which has protected fundamental services such as the health and other social services in this and other countries? It is about competition, but with a realistic assessment of the needs of countries to have fundamental social services.

Sir Stuart Bell: I am grateful to my hon. Friend. Competition is in the interests of the consumer, the producer and the wider European Union of some 570 million citizens. There are benefits, as my hon. Friend the Member for Llanelli (Nia Griffith) mentioned earlier, from one end of the Union to the other. My hon. Friend the Member for Linlithgow and East Falkirk (Mr. Connarty) also anticipated my comments on financial services.

One would imagine that the Conservative party, which believes in free trade, believes in the extension of the financial services directive. One would think that Conservatives welcome the fact that the City of London, the greatest financial city in the world, will be able to march into Paris, Frankfurt, Milan and extend the wonderful financial services of our country. Yet the hon. Member for Castle Point (Bob Spink), who is no longer in his place, and Conservative Members more widely look on the financial services directive as though it were some element of protectionism. They do not want qualified majority voting on financial services because they believe that if we have it, we will lose again. In fact, that is contrary to what the Conservative party believes in—or should believe in. That takes us back to the point made by my hon. Friend the Member for Newcastle upon Tyne, North (Mr. Henderson), who wondered what the present Conservative party was all

[Sir Stuart Bell]

about. Does it ever look itself in the mirror or think about what it is saying about business men, industry and the City of London? That is a conundrum that no Labour Member is able to fathom.

I will take note of your counsel, Mr. Deputy Speaker, because I know that other Members want to speak. The internal market and the Lisbon agenda are not perfect. The hon. Member for Runnymede and Weybridge was absolutely right to say that it has taken us 50 years to get where we are; the internal market is not complete and it needs structural reform. We need more competition and more flexibility, leading to better jobs. We need less protection, more growth and employment, improved productivity and enhanced competitiveness, which are all linked to social provision. Economists and the hon. Member for Runnymede and Weybridge might lament the slow pace of implementation of the Lisbon agenda, but they should take into account the fact that net profits of the Union's top 300 quoted companies rose 56 per cent. between 2000 and 2004. The return on equity, furthermore, was 14.8 per cent.

The truth about this European Union of ours and the Lisbon agenda is contrary to what the Conservatives suggest. We, as Great Britain and the United Kingdom, are here within the Union to give leadership. We need to send out the message from this House of Commons that the single market and the Lisbon agenda will give us a strong economy, leading to prosperity—a prosperity that also enables social provision.

The Union's economic strength is the single market. As member states' activities converge, enacting their own structural reforms, so the well-being of EU citizens will be advanced, strengthening the concept of interdependence and assuring the future of all our generations to come. That is the message—the positive message of the Lisbon agenda and the positive message of our Government—that this House should send out. That is how we will lead the debate through the amending treaty and back into the councils of Europe.

3.59 pm

Adam Price (Carmarthen, East and Dinefwr) (PC): It is useful to remind ourselves of why we are discussing a European treaty plain and simple, and not a treaty on the European constitution. The reason is that the people of France and the Netherlands said no. One of the main things that they said no to was a vision of Europe in which public services were privatised and the social gains of the past 50 years were sacrificed in order to secure the economic gains from the single market, which we have heard so much about in this debate.

That is not the realm of a Eurosceptic fantasist. After all, the Secretary of State said that removing barriers to competition was the fundamental task of the European Union. As for the Commission, it began with the network industries—the utilities in energy and telecommunications—but it has already moved on. Only last week, the third postal services directive was agreed, which will almost certainly mean the end of a publicly owned postal service in small European states such as Luxembourg, and could spell the end of the Post Office in this country.

In the neo-liberal newspeak of the European Commission, privatisation is known as liberalisation, which sounds much more benevolent; and public services—far too value-laden a term—are known as services of general economic interest. I do not think that many people would rush to the barricades to defend SGEIs, as the technocrats call them. People did take to the streets, however, against the Commission's directive on opening public services to competition—the controversial Bolkestein directive—which was part of the reason why the constitution was sunk.

In some ways, the treaty represents progress. There is recognition of public opposition to the further extension of the single market into the public realm. For the first time in the history of the EU, a specific protocol is devoted to services of general interest. My core contention, however—and here I very much agree with the contribution of the right hon. Member for Holborn and St. Pancras (Frank Dobson)—is that the treaty's provisions are, unfortunately, insufficient to provide us with the necessary legal safeguards against further incursions by the Commission and extension of the single market model into the realm of publicly run, managed and financed services.

The key problem with the protocol is that it does not define the distinction between services of non-economic general interest and services of general economic interest. I will not detain the House on that matter, but that is part of the problem leading to legal uncertainty. What is the legal position of public services as a result of the treaty?

All the evidence is that the Commission takes an expansive line on the definition of the role of competition policy with regard to public services. Only last month, Jörgen Holmquist, the Commission's director general for the internal market and services, said at a conference that in his view, everything apart from the police, the justice system and social security could be marketised. He saw many advantages in promoting that through the Commission's policies.

As the right hon. Member for Holborn and St. Pancras said, the best example is the Kyprianou directive on health care, which sought to introduce a form of health tourism. Superficially, it might seem to the hon. Member for Twickenham (Dr. Cable) and the right hon. Member for Suffolk, Coastal (Mr. Gummer) that that has some advantages for individuals in the short term. But we should think of the disadvantages. How can one plan a publicly run, publicly owned health system, and manage resources and work force requirements, if the level of operations that will need to be financed—and the financial cost incurred by poorer countries' health systems in making reimbursement for operations in higher-cost countries—is unclear?

The Commission has dropped the Kyprianou directive, which was supposed to be published on 19 December. The speculation in the European Parliament is that the Commission wanted to avoid the publication of a controversial directive while member states were ratifying the treaty. This is what one socialist MEP—who led the opposition to the Bolkestein directive—had to say about the Commission:

"They're afraid of the reactions and of the consequences as long as the new reform treaty remains to be ratified by all member states...This is typical of this Europe: keep everyone

sweet until the ink is dry on all of the signatures and then get on with far-reaching measures which have long been planned."

That view has been echoed by the president of the Party of European Socialists, of which the Labour party is a member. The directive has been pulled by the Commission. It may be published after ratification, or even after the European parliamentary elections in 2009, because the Commission is worried about the public reaction.

That worry about the extension of the single market model is not confined to health care. It is happening in other areas as well. In July 2005, the Commission wrote to the Dutch Government informing them—a directly elected Government—that their system of social housing was not compatible with the single market, in order to compel housing associations to sell their empty properties. As a result, the highly successful Dutch housing association model, which mixes social housing with private rented accommodation, is unlikely to survive. Now the European Property Federation has complained to the Commission about municipal housing in Sweden, and it is only a matter of time before the same complaints are made here.

As it stands, the treaty does not provide sufficient legal certainty about the special position of public services. Given past experience, it can therefore be expected that the Commission and the Court will continue to interpret the treaty in a manner that is slanted towards the opening up of more and more public services to competition.

Michael Connarty: The hon. Gentleman is making a strong case, but he ignores the detail of the protocol. Article 1 clearly states that

"services of general economic interest"

will be organised

"as closely as possible to the needs of the users".

That, combined with the victory won on the services directive in the Parliament since the constitution—thanks to the work of Arlene McCarthy, a Labour MEP—has changed the environment in which the provision will be interpreted. Surely the hon. Gentleman should give credit where it is due, and recognise the progress that has been made.

Adam Price: I said that some progress had been made, in the addition of the protocol as a result of political pressure—not least from the Dutch Government—following the Altmark decision in the European Court of Justice, which gave rise to the Commission's letter. Nevertheless, the Party of European Socialists group in the European Parliament is very worried about the draft Kyprianou directive.

The central point that I am making, which has been made by public services trade unions and other stakeholders, is that we have no legal certainty because there is no definition in the protocol. Unfortunately, when there has been tension between the rights of subsidiarity and the Commission's right to remove what it sees as impediments to the four freedoms and to free competition, free competition has always won. That has always been the default position of the Commission and the Court.

We need certainty. The Commission and the Court should not be allowed to override the health, education and housing policies of directly elected Governments, whether they are member states' Governments, devolved Administrations or local authorities. This is a constitutional issue, which is why we cannot support the Government's motion, and why we uphold the right of the people of this country to a referendum on the treaty.

Mr. Deputy Speaker: I call Mr. Gauke.

Mr. David Gauke (South-West Hertfordshire) (Con) *rose—*

Harry Cohen (Leyton and Wanstead) (Lab): On a point of order, Mr. Deputy Speaker. This is a very short debate, lasting only three hours, and already the Front Benchers have taken up nearly one and a half hours of it. A three-hour debate on amendments to the European Union (Amendment) Bill will follow, and Front Benchers will have opportunities to speak on those. In those circumstances, I ask whether the debate can continue without the Front-Bench spokesmen. If a procedure can be invoked for that purpose, I should like to move the appropriate motion. Is there such a procedure?

Mr. Deputy Speaker: All that the hon. Gentleman is seeking to do is take up even more time. I think that we should proceed in the normal way.

4.9 pm

Mr. David Gauke (South-West Hertfordshire) (Con): I thank the hon. Member for Leyton and Wanstead (Harry Cohen) for highlighting how extraordinary it is that we have so little time to debate this Bill in the required detail.

I thought there might just possibly be some degree of consensus in the debate on the single market. There is a specific question within the governing party as to whether the Government support the directive on cross-border health care—a point raised by the right hon. Member for Holborn and St. Pancras (Frank Dobson)—and we look forward to hearing their views on that, but on the general issue of the single market, consensus could be found if we were to look for it, although after a slightly snippy contribution from the Secretary of State I am not sure that we found it this afternoon.

Those of us who are somewhat sceptical about some aspects of the European Union welcome the idea of trade; we want to bring down barriers and we are against protectionism. That point of view has been there from the very beginning when the UK joined the Common Market, as my hon. Friend the Member for Hertsmere (Mr. Clappison) pointed out. There is also a recognition by those on the Government Benches and others who tend to be more sympathetic to the European Union that not everything is going quite as well as it might be in this regard. The Government's own assessment of the single market, published a year or so ago, said that

"the rate of progress—in terms of strengthening and deepening the Single Market—has slowed down in recent years."

There is a recognition on all sides that too much regulation is coming from the EU and that that is damaging the competitiveness of Europe as a whole and the single market, and in particular that it is causing difficulties with job creation. The Minister for Europe made a point last night about there being 92 million economically inactive citizens of the EU;

[Mr. David Gauke]

moreover, EU growth is slower than that of the US and our unemployment is higher. As the Prime Minister said when he was Chancellor,

"we cannot claim today's European social model is fair or effective when there are 20 million people unemployed and nearly half of them for more than a year."

Judy Mallaber: If the hon. Gentleman's party were to seek to renegotiate the treaty, given the importance of preventing unfair competition through the exploitation of workers, would it feel that any provisions should be introduced on a Europe-wide basis to allow free competition and ensure that there was not unfair competition because of exploitation?

Mr. Gauke: The point I am making is that the current balance is not quite right and that regulation is too heavy-handed. Ministers share that point of view, although I am unsure whether the hon. Lady does. Given the consensus we have on wishing to bring down trade barriers and on the regulatory burdens in the EU being too high, we must examine how the treaty performs in addressing those problems—and it clearly fails.

The heart of the matter is the issue that my hon. Friend the Member for Runnymede and Weybridge (Mr. Hammond) and other Members have raised: the dropping of the objective of free and undistorted competition from the objectives of the EU. That is important. That was a concession made by Tony Blair to the French President, shortly before President Sarkozy became the leading supporter of Mr. Blair's campaign to become president of Europe, but the Government argue that it does not really matter, as it is all in a protocol. What that point of view fails to appreciate is that European Court of Justice interpretations of the provisions of treaties tend to place greater weight on the preamble and the early articles. Evidence to support that comes from Professor Alan Riley of the City university in London, who wrote for the Centre of Policy Studies:

"No mere protocol can achieve the same interpretative status as the preamble and the first few articles",

and he supports that assertion with a long list of examples from case law.

Antonio Bavasso, visiting professor of competition law at University college London and a partner with Allen and Overy, said the following about the changes as a consequence of this deal:

"the political significance of the change cannot be overstated...The foundations of competition enforcement are now weaker."

Both those independent experts make the argument that the change will weaken what we see as our objective—free and undistorted competition. I know that many Labour Members do not support that view.

Rob Marris *rose—*

Mr. Gauke: I do not have much time, but I shall briefly give way to the hon. Gentleman. Does he support free and undistorted competition?

Rob Marris: I have said that I want free and open competition, but I do not like the word "distorted". Were not the Maastricht treaty's provisions on monetary union and the UK opt-out contained in a protocol, which has protected us all these years?

Mr. Gauke: The difficulty that Labour Members have when they make that argument is that the European Court of Justice will sometimes have to balance two conflicting objectives. If an objective is in the early articles to the treaty or in its preamble, that gives it greater weight than if it were in a protocol. This situation is completely different from the one in respect of monetary union.

Professor Alan Riley makes three important points about the consequence of the downgrading of competition. This is not just a nebulous concept, because he gives three examples. He says that this change will make it easier to expand the scope for lawful state aid and to permit merger clearance on broader industrial policy grounds, and that it will weaken pressure for market liberalisation. That is, of course, the Sarkozy agenda.

When President Sarkozy secured the downgrading of competition, he said:

"We have obtained a major reorientation of the objectives of the Union".

That is the key point. He continued:

"The word protection is no longer taboo."

He also described competition as a "dogma".

Mr. Cash *rose—*

Mr. Gauke: I hope that my hon. Friend will forgive me for not giving way. I need to complete one or two remarks.

President Sarkozy has said that a competition policy could emerge

"that will favour the emergence of European champions".

He is cutting something of a dash on the world scene at the moment, and is emerging as a dominant figure in European politics. I am afraid that he is showing no enthusiasm for the Anglo-Saxon model—despite a lot of enthusiasm for a Franco-Italian model. His view is wrong in terms of the best interests of the European Union, and it is certainly wrong in terms of the benefit of the United Kingdom.

If the treaty had been in our interests and if it had been achieving our objectives, what would it have looked like? Such a treaty would have included provisions to bolster competition, not weaken it. Where are the Lisbon treaty's provisions to enable member states, not just the Commission, to propose the scrapping of unnecessary regulation? Such provisions do not exist. The treaty moves us away from the Anglo-Saxon model towards a more interventionist model. Its framework encourages more regulation, not less. Its objectives encourage more protectionism, not less. It is a reorientation of the EU away from the economic policies that create jobs and wealth, and towards the short-term protectionism that most people in this House oppose.

4.18 pm

The Minister for Europe (Mr. Jim Murphy): I am delighted to fulfil my regular slot winding up our short debate. [HON. MEMBERS: "Too short"] I hear from a sedentary position that it is too short, but what we have done today is take advice from the Conservative

Opposition's amendment to the programme motion. We thus allowed three hours for the themed debated and three hours in which to consider amendments. The format of our debate is therefore exactly as the Conservative Opposition wished.

May I also bring to the House's attention the fact that since I last had the opportunity to fill this slot, Slovenia, Romania and Malta have ratified the Lisbon treaty? I ask the House to celebrate that. The news will doubtless cause great rejoicing throughout this Chamber and across this nation.

I also welcome the hon. Member for South-West Hertfordshire (Mr. Gauke) to the debate. He had his first opportunity to speak in one of the themed debates in this European treaty process. I think the House would accept that he made his case in a thoughtful and occasionally humorous way. I look forward to hearing from him again as the Bill goes through the House.

We also had the opportunity to hear from several of my right hon. and hon. Friends, including my right hon. Friend the Member for Holborn and St. Pancras (Frank Dobson) and my hon. Friends the Members for Llanelli (Nia Griffith), for Newcastle upon Tyne, North (Mr. Henderson) and for Middlesbrough (Sir Stuart Bell). If time allows, I will respond to the points that they made.

It has been said before, and I shall say so again clearly today, that the European Union helps to make the United Kingdom stronger, safer and better off. However, as I said last night, while the single market has been a remarkable success for the European Union and the United Kingdom, there are still too many people who are not benefiting from the economic growth and prosperity that the single market has brought us. There are 15 million Europeans without the basic literacy skills that they need to compete with the rising global economies. When we conclude the process on the Lisbon treaty, we should apply our political attention and determination to the Lisbon agenda for jobs and growth.

Mr. Cash: We have not heard one word about China or India in the course of the debate so far. How can we compete, and reverse the decline in our market share internationally, if we have a European Union that is locked into the over-regulation and increasing protectionism that will prevent us from competing and engaging in the globalised economy?

Mr. Murphy: I hope that the hon. Gentleman does not mind my saying that I agree with the basic premise of some of his comments. There is an old stereotype of China and India that claims that their role in the global market is to compete at the bottom end. That is the old economic reality and is no longer relevant. Research spending in China is set to catch up with the EU by 2010 and is growing by 20 per cent. a year. When it comes to economic growth, it has taken China 10 years to achieve what Japan took 35 years to achieve. While we agree on some of the analysis underpinning the debate, we often come to different conclusions. The conclusion of the Government is that the evidence makes the case for being more effective through the European Union, as a group of 27 sovereign nations working together where they can in the largest rules-based market in human history.

Chris Ruane: My hon. Friend mentioned that there are parts of Europe that have not benefited as much as they should from being a member of the EU. The Government introduced objective 1 funding for Wales and other areas of the UK. Why does my hon. Friend think that the Conservatives, when they were in government, failed to apply for objective 1 funding, especially given that they had a pit closure programme, they were running down steel mills, and seaside towns were left to dangle in the wind?

Mr. Murphy: My hon. Friend talks with great experience in such matters and the issue of the previous Government's record on objective 1 deserves greater focus on another occasion. In recent years, the growth in the labour market in the UK has been in areas that have previously seen endemic and generational unemployment. There is still much more to do, but the improvement has been seen in the most difficult, disadvantaged parts of the UK, many of them represented by my right hon. and hon. Friends. Many of our constituents now compete in a genuine global labour market, and this is the first generation for whom that is the case.

Ms Katy Clark (North Ayrshire and Arran) (Lab): My hon. Friend will have listened to the debate and will be aware of the concerns that have been raised by some hon. Members about the impact of the single market on public services. He will have heard reference to the protocol on services of general interest that was negotiated. In my constituency, we have lifeline ferry services provided by CalMac—Caledonian MacBrayne. The previous Scottish Executive spent more than £17 million on a tendering exercise that resulted in CalMac keeping the tender. Will that exercise now be required, in his view, under the protocol?

Mr. Murphy: I am well aware of the ferries in my hon. Friend's constituency. I look forward to travelling on one to the Isle of Arran this Sunday with my family. I shall discuss that matter with the ferry crew and others this Sunday. The protocol makes it clear for the first time that the provisions of the treaty do not affect in any way the competence of member states to provide, commission and organise non-economic services of general interest. I look forward to continuing that conversation with my hon. Friend.

Let me turn to the point on health made by my right hon. Friend the Member for Holborn and St. Pancras. Maastricht introduced competence on public health, of course, and the treaty makes it clearer than ever before that member states remain solely responsible for organising, delivering, and making decisions about the allocation of resources to their health systems. I look forward to continuing the dialogue with my right hon. Friend. Article 2 says that individual states should organise and deliver the health systems that I have mentioned. The words used are new in the Lisbon treaty and helpfully clarify that the allocation of resources in public health systems is for member states to decide.

Let me turn to the subject of competition, which exercised Conservative Members at great length.

Frank Dobson: Is the Minister telling us that the Lisbon treaty sets aside the ECJ's Watts decision? If it does, I would welcome it.

Mr. Murphy: The Lisbon treaty makes a stronger, clearer statement than ever before about the role of national Governments in organising the resources and funding of their national health services. We will discuss the issues in greater detail as the Bill goes through Parliament.

On competition, the protocol has the same legal weight as other treaty texts. The Law Society, of which the hon. Member for South-West Hertfordshire is a member, said that

"a Protocol records that the EU's internal market includes a system which ensures that competition is undistorted. This does not change the current legal position".

The hon. Gentleman is a member of the Law Society; I suggest that he should pay more attention to his own organisation's reflections on the issues.

This afternoon, the statements from the Opposition have made the situation very clear. My hon. Friend the Member for Newcastle upon Tyne, North said that they have only one ally across Europe. Unusually, he is wrong. I met the Deputy Prime Minister from the ODS in the Czech Republic, Mr. Vondra, and he is strongly supportive of the Lisbon treaty. Conservative Members have had two weeks to name a single conservative party anywhere in Europe that supports their rejection of the treaty, and so far they have been unable to do so.

Question put, That the amendment be made:—

The House divided: Ayes 176, Noes 352.

Division No. 74] **[4.28 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Bellingham, Mr. Henry
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Cameron, rh Mr. David
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Donaldson, rh Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Harper, Mr. Mark
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rosindell, Andrew
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Mr. Crispin Blunt and Mr. Richard Benyon

NOES

Abbott, Ms Diane
Ainger, Nick
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta

Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, Mr. Jeremy
Bruce, rh Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burstow, Mr. Paul
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Ronnie
Caton, Mr. Martin
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, rh Yvette
Corbyn, Jeremy
Crausby, Mr. David
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Curtis-Thomas, Mrs. Claire
Davey, Mr. Edward
David, Mr. Wayne
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Etherington, Bill
Farron, Tim
Featherstone, Lynne
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hoed, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Keetch, Mr. Paul
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Mr. Charles
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Llwyd, Mr. Elfyn
Lucas, Ian
Mackinlay, Andrew
MacNeil, Mr. Angus
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McFadden, Mr. Pat
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Hara, Mr. Edward
Oaten, Mr. Mark
Olner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, Angus
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, rh Joan
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stunell, Andrew
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Matthew
Teather, Sarah

Thomas, Mr. Gareth
Thurso, John
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Mr. Neil
Twigg, Derek
Vaz, rh Keith
Vis, Dr. Rudi
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Weir, Mr. Mike
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wishart, Pete
Wood, Mike
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Noes:
Siobhain McDonagh and Tony Cunningham

Question accordingly negatived.

It being more than three hours after the commencement of proceedings on the motion, MR. DEPUTY SPEAKER *put forthwith the Main Question, pursuant to Order [28 January]:—*

The House divided: Ayes 345, Noes 186.

Division No. 75] [4.42 pm

AYES

Abbott, Ms Diane
Ainger, Nick
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, Mr. Jeremy
Bruce, rh Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burstow, Mr. Paul
Burt, Lorely
Byers, rh Mr. Stephen
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Ronnie
Caton, Mr. Martin
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Kenneth
Clarke, rh Mr. Tom
Clegg, rh Mr. Nick
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, rh Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Curtis-Thomas, Mrs. Claire
Davey, Mr. Edward
David, Mr. Wayne
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Etherington, Bill
Farron, Tim
Featherstone, Lynne
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael *Jabez (Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Horwood, Martin
Howarth, David
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
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McAvoy, rh Mr. Thomas
McCabe, Steve

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McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McFadden, Mr. Pat
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
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Moon, Mrs. Madeleine
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Morden, Jessica
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Morley, rh Mr. Elliot
Mudie, Mr. George
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Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
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O'Hara, Mr. Edward
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Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
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Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, rh Joan
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
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Smith, Angela E. *(Basildon)*
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Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
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Strang, rh Dr. Gavin
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Thurso, John
Timms, rh Mr. Stephen
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Touhig, rh Mr. Don
Trickett, Jon
Turner, Mr. Neil
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Vaz, rh Keith
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Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Williams, Mrs. Betty
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Williams, Mr. Roger
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Willis, Mr. Phil
Willott, Jenny
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wood, Mike
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Ayes:
Siobhain McDonagh and Tony Cunningham

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Bellingham, Mr. Henry
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Cameron, rh Mr. David
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Donaldson, rh Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Drew, Mr. David
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Greve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Harper, Mr. Mark
Hayes, Mr. John
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Hopkins, Kelvin
Horam, Mr. John
Hosie, Stewart
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne

Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Rosindell, Andrew
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Weir, Mr. Mike
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Wilshire, Mr. David
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Young, rh Sir George

Tellers for the Noes:
Mr. Crispin Blunt and Mr. Richard Benyon

Question accordingly agreed to.

Resolved,

That this House approves the Government's policy towards the Treaty of Lisbon in respect of provisions concerning the single market.

Orders of the Day

European Union (Amendment) Bill

[4TH ALLOTTED DAY]

(Any selected amendments to clause 2 relating to the single market)

Further considered in Committee.

[SIR MICHAEL LORD *in the Chair*]

Clause 2

ADDITION TO LIST OF TREATIES

4.56 pm

Mr. Mark Francois (Rayleigh) (Con): I beg to move amendment No. 237, page 1, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 12, inserted Article 2B TEC (TFEU), paragraph 1(b) providing for the establishing of competition rules necessary for the functioning of the internal market to be an area of exclusive competence of the European Union; and

(ii) '.

The Second Deputy Chairman of Ways and Means (Sir Michael Lord): With this it will be convenient to discuss the following amendments: No. 231, page 1, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 12, inserted Article 2B TEC (TFEU), paragraph 1(e) providing for the common commercial policy to be an area of exclusive competence of the European Union; and

(ii) '.

No. 232, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 12, inserted Article 2C TEC (TFEU), paragraph 2(a) providing for the internal market to be an area of shared competence of the European Union and Member States; and

(ii) '.

No. 219, line 12, after 'excluding', insert—

'(i) Article 2, paragraphs 40 to to 45, inserted Title I and Articles 22a and 22b, renumbered Title Ia, amended Article 23(1), inserted Chapter Ia and Article 27a TEC (TFEU) relating to the internal market; and

(ii) '.

No. 239, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 45, inserted Article 27a TEC (TFEU), relating to customs co-operation; and

(ii) '.

No. 234, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 78, Article 88 TEC (TFEU), inserted paragraph 4 enabling the Commission to adopt regulations relating to the categories of State aid the Council has exempted from the State aid authorisation procedure; and

(ii) '.

No. 238, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 83, amendment to Article 96 TEC (TFEU) providing that directives to deal with distortions in competition shall be subject to the ordinary legislative procedure; and

(ii) '.

No. 235, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 158, inserted Article 188C TEC (TFEU), relating to the common commercial policy; and

(ii) '.

No. 224, line 12, after 'excluding', insert—

'(i) the provision for a "special committee" to assist the Commission in negotiating and concluding agreements under the Common Commercial Policy contained in Article 2, paragraph 158, inserted Article 188C TEC (TFEU), paragraph 3; and

(ii) '.

No. 195, line 12, after 'excluding', insert—

'(i) the Protocol on the Internal Market and Competition; and

(ii) '.

(a), in line 1, after 'Competition', insert

', unless arrangements have been made for the Secretary of State to report to Parliament each year on the operation and application of European Union competition policy according to the principle set out in the Protocol'.

No. 215, page 1, line 12, after 'excluding', insert—

'(i) Annexed Protocol No. 1 Amending the Protocols Annexed to the Treaty on European Union, to the Treaty establishing the European Community and/or to the Treaty establishing the European Atomic Energy Community, Article 1, paragraph 20(h), relating to the application to the United Kingdom and Ireland of measures relating to the free movement of persons, services and capital; and

(ii) '.

No. 223, line 12, after 'excluding', insert—

'(i) any provision relating to the Internal Market in so far as it could be applied to healthcare services; and

(ii) '.

No. 72, line 12, after 'protocols', insert

'and Declarations annexed to the Final Act, save for Declaration 28 on Article 78 [98] of the Treaty on the Functioning of the European Union (which relates to measures to compensate for the economic disadvantages caused by the division of Germany to the economy of certain areas of the Federal Republic)'.

No. 73, line 12, after 'protocols', insert

'and Declarations annexed to the Final Act, save for Declaration 29 on Article 87(2)(c) [107] of the Treaty on the Functioning of the European Union (which relates to aid granted to certain areas of the Federal Republic of Germany affected by the division of Germany and the power of repeal by the Council)'.

No. 138, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 73, amendment to Article 78 TEC (TFEU) permitting the repeal of that Article (which relates to the economic disadvantages caused by the division of Germany); and

(ii) '.

No. 139, line 12, after 'excluding', insert—

'(i) Article 2, paragraph 77, amendment to Article 78 (2)(c) TEC (TFEU) permitting the repeal of that provision (which relates to the economic disadvantages caused by the division of Germany); and

(ii) '.

No. 236, in clause 8, page 4, line 8, leave out 'on Royal Assent' and add

'when arrangements have been made for the Secretary of State to report to Parliament each year on the operation and application of European Union competition policy according to the principle set out in the Protocol on the Internal Market and Competition'.

Mr. Francois: Just before we voted at the end of our debate on the motion, the hon. Member for Leyton and Wanstead (Harry Cohen), who is not with us at the moment, made a point of order complaining about the relatively small number of Back Benchers who had managed to contribute. The Minister said that the Government had decided on a three-hour/three-hour split. I remind him that in our alternative proposal we argued for 18 days of consideration, which would have provided much more time to debate the treaty. In deference to the hon. Member for Leyton and Wanstead, I will attempt to keep my remarks relatively brief in the hope that the maximum number of Back Benchers can participate. I hope that the Minister will appreciate what I am trying to do.

Amendment No. 237 would prevent competition rules from becoming an exclusive competence of the European Union. That would, first, improve the treaty by removing a series of potentially damaging side-effects while allowing the UK to retain the freedom to complement the internal market where deemed necessary; and secondly, as the Minister for Europe must be getting used to hearing when we are discussing amendments, be in line with the Government's policy as laid out when debating in the European Convention. The Government's chief negotiator at the Convention, the right hon. Member for Neath (Mr. Hain), argued at the time—I know that the Minister enjoys these quotes, so I will read it slowly:

"The Community does not have exclusive competence in relation to measures to ensure free movement in the internal market...If the Community were to have exclusive competence in these areas, the Member States would have no power to take any measures (eg. in relation to the protection of health or consumer protection) which could affect free movement, nor to establish rules to promote competition. Plainly, the Member States currently exercise powers in these areas. The Community has power to harmonise the rules in these areas, but authority to take action in these areas is effectively shared."

Needless to say, that amendment failed. That is not surprising because, as my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) pointed out last Tuesday, of the 40 or so amendments in justice and home affairs that were tabled by the Government at the Convention, only two succeeded, one of which was to change the word "safety" to "security". Unfortunately, the Government were hardly any more persuasive at the Convention in their arguments regarding competition policy.

What are the effects of the treaty on UK competition policy of which the Government originally disapproved? For the first time, the treaty characterises

"the establishing of the competition rules necessary for the functioning of the internal market"

as an exclusive competence of the EU. Where there is an exclusive competence, the treaty explains that

"only the Union may legislate and adopt legally binding acts, the Member States being able to do so themselves only if so empowered by the Union or for the implementation of Union acts."

Therefore, unlike under current treaties, the UK will not be able to legislate on its own initiative to complement Union competition rules. It would not even be able to vary rules temporarily or permanently to protect the health or safety of UK subjects. The effects of the changes are wide reaching, so it is no wonder that the right hon. Member for Neath tried and failed, not once, but twice, to carry what we agree was a measured and sensible amendment.

[Mr. Francois]

In practice, the treaty will mean that UK authorities will no longer be able to supplement EU competition rules if they believe that EU competition law does not go far enough. That could lead to cases where distortions in UK markets go untreated while the UK waits as it tries to push through new competition regulations in Brussels. An example of that sort of situation may be found in the UK financial services industry, which is particularly pertinent to many of my constituents who commute into the City. If the UK decided that aspects of the industry required further competition laws or regulations, it could not legislate in that area on its own because the matter would be an exclusive competence of the Union. Likewise, if our Government found that they did not have sufficient rules to encourage competition policy in, for example, the UK's airports, they would have to argue for rules at an EU level, having given up the ability to legislate in that area.

A second problem was identified by the right hon. Member for Neath—he was prescient. Once competition becomes the exclusive preserve of the EU, the ability of the Government to legislate to protect health and to engage in consumer protection will be compromised. A persuasive example given by the Government in 2004 concerned a case brought against them at the European Court of Justice by tobacco companies, which was initiated in December 2002. The case highlighted the conflict between the implementation of health standards, such as maximum tar and carbon monoxide levels in cigarettes, and the EU's competition policy. In 2004, the Government argued that had competition policy been an exclusive competence rather than a shared one, they would not have been able to influence that important area of health policy.

Given all of those factors, I have three questions for the Minister. First, the wording of the competition laws regarding the abuse of dominant positions states that it will apply in any case that

"may affect trade between member states".

Given that the legal interpretation of the word "may" is extremely wide, will the Minister explain what that wording will encompass if the treaty goes through? Secondly, what discussions have the Government undertaken with the UK Competition Commission with regard to the treaty's provisions? Thirdly, with regard to the danger highlighted by the right hon. Member for Neath concerning the inability of the UK to safeguard health and consumer protection, has the Minister received any further reassurance during his negotiations with EU partners?

Turning to amendment No. 239 on customs co-operation, under the treaty, EU laws could lay down conditions under which UK Customs could check to ensure compliance with national criminal law regarding items entering the UK. That could oblige Customs to report its compliance with such matters to the Commission. Such laws could import all of the EU's human rights general principles, such as the charter of fundamental rights, into the applications of our Customs procedures, with unknown effects. We tabled amendment No. 239 to prevent that situation from arising.

I said to the House that I would be brief, so I shall conclude speaking on our amendments as follows. Amendment No. 237 would do only what the Government wanted to achieve but failed to secure when they negotiated the European Convention. It would allow the UK to complement EU competition policy when that is necessary and protect the UK from regulation when it is not. It would strike out elements that are full of unknown consequences. It would also preserve the House's ability to promote health and consumer protection, as the Government wished to do.

The First Deputy Chairman of Ways and Means (Sylvia Heal): I call Mr. Tim Farron.

Mr. Jeremy Browne (Taunton) (LD): Jeremy Browne.

The First Deputy Chairman: I apologise.

Mr. Browne: It is not the first time that that mistake has been made. However, I believe that my hon. Friend is a full fortnight younger than me, so he is obviously not ageing in the right way.

I want to speak about the lead amendment and amendment (a) to amendment No. 195. I do not intend to speak at length, partly because others wish to speak and partly because some of the arguments were rehearsed earlier today.

My party enthusiastically supports the single market and regards it as one of the great successes of the European Union. I am not as worried as the Conservative spokesman about the inclusion of the word "exclusive" in the treaty. Indeed, our interpretation is that, if we do not try to enforce a single market and we allow people to pick and choose an opt-out when it pleases them, that may be detrimental to the United Kingdom, which tends to be an enthusiast for enforcing the free market principles of the EU with some rigour. We support powers that will enable the single market in the EU to function as effectively as possible. It does not take a huge leap of imagination to envisage some of our partner nations in the EU dragging their feet to the detriment of people in Britain. We cannot prevent them from doing that unless we give the EU some powers. It still means that the UK can have, for example, an Office of Fair Trading. "Exclusive" does not mean that the British Government can no longer make policies and apply them to the UK. However, that does not detract from the value of rigorous rules that are enforceable throughout the EU.

Rob Marris (Wolverhampton, South-West) (Lab): Does the hon. Gentleman agree that, were amendment No. 237 to be passed, it could disadvantage British business that was trading elsewhere in the EU because other EU countries would have protective measures, which we would find more difficult to dismantle or oppose unless we kept the wording as it is?

Mr. Browne: I am grateful for that intervention because I agree with it. It is worth emphasising the hon. Gentleman's point. It is fair to say that different views exist in the EU about the way in which western advanced capitalist economies should go. That is a slight simplification but it helps explain matters. I believe that most members of all three main parties have much sympathy for what is regarded as the Anglo-Saxon model of rigorous competition. That view is not universally held but our Government and Conservative and Liberal Democrat Front Benchers subscribe to it. Competition and free trade create wealth and jobs and it is in our interests to promote such values throughout the European Union.

That view is not held at such high levels of government in some other European Union countries. France is commonly cited as an example of a country that has a political and cultural attachment to a social model, but many people in Britain would feel that that model restricted business. A great irony of our debate is that the Conservative party, which used to be the pro-business party in the UK, is now trying to make British businesses less able to exploit opportunities to expand elsewhere in the EU.

Jon Trickett (Hemsworth) (Lab): At least we have a clear idea of where the Liberal Democrats intend to place themselves in the next election campaign, and possibly afterwards. By associating themselves so clearly with the principles of competition and the open market, they ignore the resultant inequities and inequalities. Does the hon. Gentleman accept that, if markets are to be a mechanism for disputing goods and services, strong social protections should be in place to prevent the breakdown in social cohesion that might otherwise occur?

Mr. Browne: I am grateful for that—it was not so much an intervention as a statement. I hope that I can say with some confidence that the Liberal Democrats will favour free market economics in our manifesto at the next general election. Indeed, one of the reasons I am a Liberal Democrat is that I am an economic liberal. Economic liberalism has much to teach everyone across all three major parties in the House. At the risk of being pulled up short, I think that the great ideological debates of the 20th century about whether competition and free market economics are successful or whether there is a preferable alternative model was resolved fairly decisively in about 1989.

Mr. Francois: I understand the hon. Gentleman's dilemma with regard to Liberal policy. Indeed, the whole House sympathises. If experience is any guide, the eventual outcome is that the Liberal Democrats will be pro-competition in some constituencies and against it in others.

Mr. Browne: What I can say? If one wants to observe protectionism, one need only watch the Conservative party defending its vested interests. I am a keen advocate, as is my party, of rigorous competition, economic growth and British companies being able to trade throughout the European Union, which has been greatly to our benefit. Indeed, I am surprised that this position has proven so controversial—I thought that it was just a statement of the obvious.

Michael Connarty (Linlithgow and East Falkirk) (Lab): The problem with the Liberal Democrats is that one has to look at the policies that they espouse in other quarters to see what they are really talking about. Do the Liberal Democrats still take reference to the "liberal free market" in their policies to mean that they would sell the shares in the Post Office, a public service?

The First Deputy Chairman: Order. That really is rather wide of the amendment under discussion.

Mr. Browne: It is rather wide, but it emphasises yet again that the Liberal Democrats are at the centre of the national debate on such issues. I shall be happy to take further questions when we have a more widely framed debate—indeed, perhaps I should apply for an Adjournment debate.

Alan Simpson (Nottingham, South) (Lab): Clarity is obviously the keystone of all Liberal Democrat thinking. Will the hon. Gentleman be absolutely clear on his party's support—or lack of it—for the EU agency workers directive?

Mr. Browne: Again, I fear that that would lead us astray and I anticipate being pulled up short.

We have strayed a long way, so let me bring the debate back to amendment No. 237. Does my party believe that it is in the interests of British business to have a properly and consistently enforced free market, where we can trade in goods and services, and does that add to the likelihood of British companies generating both wealth for their shareholders and extra employment? Yes it does, in my view and that of my party. Do we therefore need rules and regulations to ensure that we and other countries comply with those basic criteria? Yes, in my view, we do. Is it therefore unwise for the Conservative party to try to act to the detriment of British business, by making it possible for other European Union countries to restrict the operation of the free market? In my view it is. The Conservative party's pro-business credentials have been taken over by their Eurosceptic credentials. That is a mistake.

Rob Marris: Will the hon. Gentleman give way?

Mr. Browne: I am extremely generous, and will continue to be so.

Rob Marris: I have some sympathy with the position set out by my hon. Friend the Member for Hemsworth (Jon Trickett), but I do not see that as necessarily contradictory. However, I should be interested to hear the hon. Gentleman's views on this. Through the rules governing the internal market, one can have levelling up, but it is too often assumed that there will instead be a levelling down, which is not what I want. I want levelling up, so that we can have free and open competition, but within a framework, so that we do not have, literally and metaphorically, "beggar thy neighbour" downwards competition, but instead move up together. British companies can compete by having good standards here, but also good standards on the continent.

Mr. Browne: Perhaps we should write a pamphlet together on that subject, as I completely agree with the hon. Gentleman. It is crude to see us as advocating either completely unfettered capitalism or as going down the opposite path. I am in favour of enlightened social policies, but conducted within a framework of rigorous competition taking place within a European single market. That is a position that some people in the Labour party have come to view sympathetically, which is why we agree with the Government on this point and disagree with the Conservative party.

5.15 pm

Before that fascinating question and answer session—*[Interruption.]*—fascinating for some, as I cannot speak for everyone in that regard, I was speaking to our amendment (a) to amendment No. 195. That amendment, tabled by my hon. Friends and me, is constructive: unlike many of the Conservative amendments, it is not

designed to wreck the treaty, but to strengthen it. I do not anticipate that the House will decide on it, as that would require amendment No. 195 to be passed first, but I do not anticipate that that will be successful either.

The nub of the amendment is our concern about the concession widely recognised as having been made to placate the French Government regarding the taking out of the phrase "free and undistorted competition" from the original document when the revisions were made. We hear it said frequently by the Conservatives that the two documents are almost identical—indeed, so similar that no distinction can be made between them. On this point, there is a distinction to be made. I was in favour of "free and undistorted competition" in the earlier constitutional treaty and I regret its having been taken out. Yet again, I am in the unusual position of outflanking the Conservatives by being more pro-business than they are.

Mr. Mark Harper (Forest of Dean) (Con): Having attended our earlier debate, I am now a little confused. The amendment tabled by the hon. Gentleman and other Liberal Democrat Members clearly demonstrates concern about taking out the phrase "free and undistorted competition". Earlier, however, the hon. Member for Twickenham (Dr. Cable), while conceding that we had a point on that issue, chastised my hon. Friend the Member for Runnymede and Weybridge (Mr. Hammond), the shadow Chief Secretary, for labouring that point. However, given the spirit of the amendment, the hon. Member for Taunton (Mr. Browne) seems to be saying now that our argument had rather more force than his hon. Friend suggested.

Mr. Browne: I recommend that Conservative Members always listen to my hon. Friend the Member for Twickenham (Dr. Cable), who is able to provide economic master-classes for them all. They should heed his words. I listen to them and I am slowly improving as a result of hearing his wise words.

I am asked whether the change has made a material difference. No, because the phrase I mentioned was not part of the status quo in any case and was not in the original documentation of the European Union. Do we welcome the fact that it was added to the constitution? Yes. Do we therefore regret that we have gone back again to the original status quo when we thought that the position put forward in the constitutional treaty was preferable? Our view is yes again. It does not make a material difference. In our view, we have taken a step forward and a step back to where we were. But does it send out a slightly unwelcome signal about protectionism, which we want to see less of, and about free trade and competition in the EU, which we support? Yes, our view is that it does.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): Will the hon. Gentleman explain to us and his constituents why he proposes not to vote for a referendum on the constitution, which he promised he would vote for at the election, even though he thinks that this treaty is slightly worse? How can he justify that?

Mr. Browne: The problem with Conservative Members is that when I am trying to talk about the interests of British business, all they seem to be interested in is their hang-up on the issue of a referendum. I risk being pulled up short, but let me try to take the House through the incremental steps in response to the question. Everyone recognises that this issue of the referendum is a rather small aspect of the overall treaty—*[Interruption.]* I see that the Minister for Europe, who virtually lives in the Chamber nowadays, probably feels that this conversation is taking up another 20 minutes or half an hour more of our time in the days and weeks of debate about the different aspects of the treaty. I would not see this aspect as the linchpin of the treaty.

Our view on the referendum issue is that the constitution superseded all previous treaty agreements and that the treaty is different in nature. The content—

The First Deputy Chairman: Order. I understand that the hon. Gentleman is responding to an intervention, but I must point out to him that we are not now dealing with the constitution or the referendum. Will he return to the amendment under discussion?

Mr. Browne: I was trying to be helpful, Mrs. Heal, but I made a mistake in doing so. All that I observe is that the Conservatives had 18 years in government to hold as many referendums on the European Union as they wished, and never once sought to do so, which many of my constituents regret.

The First Deputy Chairman: Order. May I remind the hon. Gentleman of my ruling? We are not debating the matter of a referendum this afternoon.

Mr. Browne: What a relief that is, I am sure, to us all, but not least to the exceedingly tedious people on the Conservative Back Benches.

Michael Connarty: I have followed the hon. Gentleman's argument against this amendment and for his amendment to amendment No. 195. If he regrets the previous constitution being changed to the new Lisbon treaty, and the removal of the reference to undistorted competition, do the Liberals therefore not support the protocol on services of general interest, which fundamentally changed the previous position on undistorted competition? That seems to be the logic of his argument.

Mr. Browne: I will make an unusual concession in the House, which is that I do not feel that I have the same degree of expertise as the hon. Gentleman to give him as good an answer as I would wish. I can only look at the overall principles and say that free and undistorted competition is a value that the British Government are right to seek to promote in the European Union. We regret that it is not contained in the treaty, as it was in the previous constitutional arrangements.

Mr. Siôn Simon (Birmingham, Erdington) (Lab): On the question of values, can we be clear about exactly what has happened? Free and undistorted competition has not been taken out of the treaty; it has been moved from the section dealing with objectives. Although it is very important, it is not an objective. Does the hon. Gentleman agree that prosperity is an objective, and that free and undistorted competition is a means by which one achieves the objective of prosperity? That is why it has been taken out of the section dealing with objectives but left in the treaty in a protocol, with the same legal status.

Mr. Browne: The hon. Gentleman has made his argument, and it stands for itself.

To conclude, we do not support the Conservative amendment No. 237, and we wish the Government well in seeking to promote free and undistorted competition within the European Union.

Laura Moffatt (Crawley) (Lab): I want to oppose amendment No. 237. As I am Parliamentary Private Secretary to my right hon. Friend the Secretary of State for Health, I shall exclude from my comments amendment No. 223, which is on a health-related matter.

Our constituents watch us doing the important work of scrutinising the treaty and amendments and trying to improve it. It is right and proper that they ensure that we do a good job, but the principal aim of Members must be that the amendments make a difference to the treaty, which I believe to be a fantastic step forward for my constituents. Amendments Nos. 237 and 238 in particular will not achieve that—they will not improve the treaty that we eventually ratify, as I am sure we will, in any way, shape or form.

It is important to bear in mind where my constituents sit in the context of the United Kingdom's economic well-being. My constituency is at the centre of what is described as the Gatwick diamond—and a diamond of a constituency it is. What my constituents will want to know is how the amendments will make it easier for members of the local business community to do their job. The area is highly prosperous, and attracts businesses from all over the United Kingdom and, indeed, all over Europe to settle close to the second largest airport in the country. Those businesses will want to know whether the amendments will make it any easier for them to do their job, and I do not believe that they will.

The treaty is a reasonable and proportionate response to the need to ensure that businesses can do their job. It enables us to deliver the rest of the Government's agenda, and get more people into jobs and apprenticeships so that companies can thrive and extend their operations. Many of our constituents who will be affected by the treaty have openly expressed their belief that it will do in its current form, and they will take the view that the amendments will not help in any way.

In the earlier debate, Members quoted various experts. It was often quite difficult to understand who those experts were, and how they came to be experts. I think it more important for us to consider the views of members of the business community who are having to work in the European Union, and who are trying to do their jobs. They welcome the sense of partnership conferred not just by the internal market but by the benefits that it brings to the work force, and they are discomfited by proposals such as these from the official Opposition. They are made uncomfortable by the possibility of changes in the way in which they do business, gaining access to nearly 500 million consumers. We can feel confident that those consumers are being treated decently, and can reap the benefits of the good working conditions for which trade unionists in this country worked for many years. The European Union is now improving those conditions further, and the treaty is updating them.

Let me end by quoting not an expert or someone who has put himself forward just to oppose the treaty, but a letter written to *The Times* in the middle of last year arguing against one of its leaders. The letter accepts that there are difficulties, that the situation is tough, and that we must work together and understand each other to deal with the problems that have been discussed in the House today. It concludes:

"But over all the EU treaty is not a federalist monster but a sensible attempt to improve its institutional machinery."

Mr. David Heathcoat-Amory (Wells) (Con): I strongly support amendment No. 237. I want to reintroduce a topic that was debated earlier. The single market, which is desirable in principle and was, indeed, one of the achievements of a Conservative Government, has ceased to be a mechanism for the reduction of barriers to trade and has instead become an excuse for regulation. It has released a regulatory impulse that is almost impossible to stop.

It has been observed that birds fly, fish swim and regulators regulate. Brussels and the European Union are full of regulators who make their living from passing laws, directives and more regulations. There is no proper countervailing force to stop that. It has become the hallmark of the European Union. Even business organisations—and certainly the Government—have been far too slow in realising the damage being caused to British and European competitiveness. The CBI has been instanced in our debates today, and its attitude during the Convention on the Future of Europe was feeble.

5.30 pm

Mr. Jeremy Browne: I share the right hon. Gentleman's antipathy towards excessive regulation, but does he accept that some regulation is required to empower consumers to make informed choices when they are active in different parts of the single market?

Mr. Heathcoat-Amory: Of course any market needs a degree of regulation; that is obvious. The most extreme capitalist understands the need for laws; Adam Smith wrote books about that. Every market needs the rule of law, but that is not what I am referring to now. The point on over-regulation is not my observation; it as an observation the Government make. The Minister referred to attempts—of which we have had plenty—to turn back the tide and launch deregulatory initiatives in the EU. We have heard it all before; it never works or it never happens. I am a member of the European Scrutiny Committee. We are still on the receiving end of a blizzard of new proposals, directives and regulations. We were told that with enlargement everything would seize up if we did not get more majority voting in the constitution. That was another lie, of course. We did not need the constitution in order to enlarge, and we now have 12 new member states and even more laws are coming out of Brussels even without the extensions in majority voting in the treaty. So we are on the receiving end of a torrent of over-regulation, which far exceeds the rule of law necessary to regulate any free market sensibly.

Mr. Mark Harper (Forest of Dean) (Con): It is interesting to contrast my right hon. Friend's argument with that of the hon. Member for Crawley (Laura Moffatt), who also referred to the views of business

[Mr. Mark Harper]

people. My right hon. Friend will know that a recent ICM poll of 1,000 chief executives found that 59 per cent. thought the burden of regulation was rising and more than half thought the benefits of the single market were outweighed by the cost of regulation.

Mr. Heathcoat-Amory: My hon. Friend is entirely right, and I am familiar with those figures. It is sad that one of our leading business organisations, the CBI, did not wake up to what was happening in the Convention on the Future of Europe. During the Convention, I wrote to the director-general of the CBI, one Mr. Digby Jones, to alert him to what was happening. He never bothered to reply, but he then had the brass neck to complain—not to me, but to the European Scrutiny Committee—that Parliament was not doing its job in stopping all these regulations.

Mr. William Cash (Stone) (Con): My right hon. Friend and I put the Lord Jones, as he is now is, to the test in that Committee. He could not answer our questions, and although he was complaining about us he had never made any representations. In my speech on Second Reading of the 1986 single market measures, I made the point that it would help if organisations such as the CBI took an interest, and to my knowledge it has taken no interest in the Committee since then.

Mr. Heathcoat-Amory: My hon. Friend recollects Mr. Jones—as he was, in a humbler incarnation, in those days. He has, of course, since become a Labour Minister and he is now even more complicit in—

The First Deputy Chairman: Order. Please can we now direct our remarks to the amendment?

Angela Browning (Tiverton and Honiton) (Con): One of the problems is that although many of us agreed with the initial concept of the single market—to remove tariff barriers and to have mutual recognition of goods and services—the welter of regulation introduced to bring about total harmonisation throughout the EU has been used as an anti-competitive device within the EU. As a former Minister who had to deal with the food and drinks industry, I know that every time a small British company such as a soya milk or mineral water manufacturer started to gain market share, their competitors within the EU used the single market to see them off.

Mr. Heathcoat-Amory: My hon. Friend knows that well, and she is absolutely right. It is striking that no other trade bloc has gone down this route of handing over its powers to a central organisation that over-regulates. The rest of the world is steaming ahead of us. That model, which is held up to be a paragon by Labour Members, has not been followed by anyone else and it is doing terrible damage to European competitiveness.

May I again refer to the Convention on the Future of Europe, on which I sat? I raised the question of European competitiveness in the wider world, but there was no interest in that. This little European attitude—this inward-looking obsession with harmonisation and standardisation in Europe—dominated all the proceedings. The real question is not whether one country is more competitive or productive than another in Europe; it is whether Europe as a whole is competitive in the wider world, because that is where we ultimately have to earn our living. That issue was never addressed in the Convention.

My point has finally been recognised in some quarters of the Commission. I am referring to a figure that has been published by the Commission. It is the estimate that the annual cost of all the over-regulation is as much as €600 billion. That exceeds the Commission's own estimate of the added value of having a single market. Its website estimates that figure to be only €240 billion a year. Even by the Commission's own arithmetic, the cost of all the regulation exceeds the supposed benefits of the single market in the first place.

Mr. Peter Bone (Wellingborough) (Con): I agree entirely with my right hon. Friend. We cannot overstate how much over-regulation there is. Later tonight, we will probably approve European Union document No.14,277—that relates to 2007. The amount of regulation is extraordinary.

Mr. Heathcoat-Amory: That is another example of the point. I think that all hon. Members have their own examples. I still cherish the memory of the physical agents (vibration) directive. *[Laughter.]* It really exists. It deals with the problem, only identified by the European Union, of something called whole body vibration. One would experience that if one sat on a tractor for too long.

The First Deputy Chairman: Order. Limited time is available and many Members wish to contribute, so may I ask hon. Members to confine their remarks to the amendments before us?

Mr. Heathcoat-Amory: I shall do that, but I must just mention the Lisbon process—I think that it is in order to do so. It was launched in 2000 and aimed to make the Union by 2010

"the most dynamic and competitive knowledge-based economy in the world".

We only have two years to go, and those words are almost comically at variance with what has happened. The gap between ourselves and the United States and far east has widened since, and the treaty does nothing to deal with it.

Rob Marris: Before I entered this House, one of my fields of expertise was vibration. I would be happy to talk to the right hon. Gentleman outside about the problems of vibration white finger and whole body vibration, which he pooh-poohs. Those are significant health problems in the European Union.

Secondly, the right hon. Gentleman said that nobody in the world is going in the way we have gone, but I must caution him on that. Since the founding of the Common Market—now the European Union—the North American Free Trade Agreement has been introduced and is expanding, and Mercosur in Latin America, which is on more or less the same track as the European Union—*[Interruption.]* Mercosur has a political dimension as well as an economic one. I would caution him against making a sweeping generalisation that nobody else is taking this approach—they are, because we are successful.

Mr. Heathcoat-Amory: The hon. Gentleman is entirely wrong. I know a little about Mercosur because I was once a junior Minister in the Foreign Office and responsible for Latin America. I recall visiting Brazil, which is of course part of Mercosur and saying that one piece of advice that I wanted to give was not to set up anything remotely resembling the European Commission. The Brazilians said that they had learned that lesson. They said, "We know the damage caused by unaccountable bureaucrats sitting in private and dreaming up new schemes for everyone else. We do not want those proto-regulators with awesome powers, accountable to no one. We are not going down that route." The hon. Gentleman will not find in the North American Free Trade Agreement or in Mercosur anything remotely resembling the European Union.

The customs union that we have in Europe is also practically unique and it has a damaging effect on the developing world. If a country is a member of NAFTA, it can do side agreements and bilateral deals with poorer countries to take their goods tariff-free. As we are in a customs union, we cannot do that. We are the fifth biggest economy in the world, but we have handed over our powers on trade to the European Commission. We are prevented by treaty law from making trade-expanding agreements with the poorest countries in the world. That is shameful, but it is the result of having a customs union and not being a member of a free trade area.

Ms Patricia Hewitt (Leicester, West) (Lab): I must challenge the right hon. Gentleman on that point. It was the European Union, with the British Government and public in strong support, that led the way in offering to the poorest countries in the world the "Everything but Arms" agreement, which allows quota-free and tariff-free access for goods from the poorest countries to the largest market in the world. The European Union led the way on that and the right hon. Gentleman is simply wrong on that point.

Mr. Heathcoat-Amory: Again, the right hon. Lady is wrong on that. The European Union is now trying to force economic partnership agreements on to those countries, which they do not want. We used to have a trade Department in this country, but now we have only half a Minister. If that Minister wants to do something practical for the poorest people in the poorest countries, he or she has to go off to the European Commission and try to be nice to Mr. Peter Mandelson, in the hope that he will do something.

Angela Browning: Having handed powers over to the commissioner, the UK Government no longer have their own seat at the table.

Mr. Heathcoat-Amory: That is what happens when countries export their powers as we have done, and grant a monopoly to a jurisdiction that they do not control.

The single market powers, as expanded in the treaty, will not protect us. I cannot be alone in witnessing de-industrialisation in my constituency. It must be even greater in more industrialised areas further north. I have seen manufacturing firms relocate from my constituency to eastern Europe as part of the single market. I have no quarrel with that if the firms are simply moving into another part of the European Union that can exert its comparative advantage of lower costs and perhaps greater efficiency. But they are doing that on subsidies given to them in the European Union budget. The workers in my constituency, through the taxes they pay on their wages, are contributing to the budget and paying to have their jobs relocated. They are contributing to the undermining of their own security. Of course, the situation is getting worse. Under the European Communities (Finance) Bill, which we debated and passed last month, our net contributions will go up to £6 billion a year. The bulk of that increase will go towards giving additional subsidies to the newer countries of the EU to aid the process of transferring jobs from this country.

Any idea that the EU is somehow a protective organisation is at variance with the facts. In my view, the EU is emphasising the rights of workers to move because of the fantasy that people displaced in such a way can relocate, as they do in the United States. The US is a genuinely free market within a single country. People locate from one state to another. They speak the same language and they have the same federal laws. If that is the aim for the EU, we should be told. It is quite wrong to expect that workers should pursue their jobs in different parts of the country and the different—

5.45 pm

The First Deputy Chairman: Order. That subject comes under the next group of amendments to be discussed.

Mr. Heathcoat-Amory: Of course, I want to stay in order, Mrs. Heal, but I think that the mobility of labour and the so-called protective features of the treaty are the subject of the amendments that we have tabled.

The main feature of the European Union that I want to explore in the time remaining is the use of the powers in the existing treaties that establish a single market to extend European legislation into new areas of policy. That is why my hon. Friends and I have tabled a number of amendments to cut and define better those powers.

I am thinking particularly of articles 94 and 95 of the existing treaty. They are increasingly being used not to establish a single market but to legislate in areas that are quite disconnected with it, because they use qualified majority voting. In a sense, everything can be traded or can cross borders. That is confirmed by a paper I was helpfully given by the Foreign Office during the Convention on the Future of Europe, which listed all the items of legislation that have been passed under the single market powers given by articles 94 and 95, of which 104 go far wider than the establishment of a single market. They deal with things such as money laundering, the art market, transnational organised crime, summer time arrangements, noise emissions, units of measurements, member states' balance of payments, combating terrorism, anti-personnel landmines, counterfeiting, civil protection, budgetary discipline and social security relating to employed persons.

Of course, the same idea relates to the matter of health, which is the subject of a number of amendments in this group. The EU regards health as a legitimate area for legislation under the single market articles

[Mr. Heathcoat-Amory]

because health can be traded and because health care can be experienced across borders. Using the single market, the EU has expanded its powers into the new areas. That so worried the working group that I was on during the Convention that it recommended amendments to the treaties to redefine the market powers and to ensure that they are used only to bring down barriers and to enact measures that are genuinely and intimately connected with the establishment of a single market, rather than to expand EU powers into new areas by qualified majority voting in the way that I have described.

Those amendments were entirely rejected by the secretariat and the presidency of the Convention on the Future of Europe. To me and others, that showed that the exercise was a sham and that there was never any intention to relinquish any powers. Even though a majority in the working group supported some amendments to restrict those powers, they were overturned and ignored. No such change ever found its way into the final document or the constitution, and so nothing to that effect is in the Lisbon treaty.

I end by supporting the conclusions expressed by my hon. Friend the Member for Rayleigh (Mr. Francois) about exclusive competence. It is quite wrong that competition policy should be made an area of exclusive competence, and I can claim in support of that contention a letter written by the right hon. Member for Leicester, West (Ms Hewitt) to the European Scrutiny Committee in January 2004, when she was Secretary of State for Trade and Industry. In the letter, she made the correct observation that

"competition rules under Articles 81 and 82 are an area of shared competence."

I agree, so why are they now to become an area of exclusive competence? The distinction is very important, as the Government recognised at that time. If competition is an area of exclusive competence, member states are forbidden to legislate in respect of it, even if the aim is to promote it. Therefore, if the treaty goes through in its present form, we will not be able to have a competition policy or authority or competition laws even if they support the EU aim of encouraging greater competition.

Ms Hewitt *indicated dissent.*

Mr. Heathcoat-Amory: The right hon. Lady shakes her head. Perhaps she has forgotten what she wrote in 2004, and it might be slightly unfortunate for her that I have kept some of her letters They were very good, and the European Scrutiny Committee relied on them. Has she changed her mind? Does she now support a treaty that overturns her earlier observations and turns the articles that we are discussing from areas of shared competence into areas of exclusive competence?

Another of the amendments that I have tabled deals with shared competence. As things stand, the whole of the internal market will become an area of shared competence. That is not as bad as it all becoming an area of exclusive competence, but the treaty's definition of shared competence means that, when the EU legislates in this area, we cannot. That goes very much further than what the Government wanted at the time. They tabled an amendment to define shared competence differently, and it stated: "Member States shall respect the obligations imposed on them by the relevant Union measures".

That was sensible, and it meant that member states could not legislate in direct conflict with a specific bit of legislation passed by the EU. That was a narrow definition of shared competence that all of us could support, but the definition in the treaty goes much wider. The whole area is therefore vulnerable: if the EU legislates in that competence, member states cannot. Once again, that shows that the treaty amounts to an enormous transfer of power, from Parliament and the people whom we represent to the EU.

With those observations, I support amendment No. 237 and the associated amendments, and urge the Committee to vote accordingly.

Ian Lucas (Wrexham) (Lab): I strongly oppose amendment No. 237. We had an instructive debate earlier this afternoon, and the amendment, too, is instructive, because it goes to the heart of the problem facing the Conservative party in 2008.

The Opposition seem to believe in the single market, but for the UK only. Essentially, in addition to the powers that will exist at EU level, amendment No. 237 would give the UK Government power to legislate in specific areas within the single market. Of course, if the UK Government could legislate in that way in the single market, other Governments across the European Union would want to do the same. That would drive a coach and horses through the entire concept of the single market. It would break down access to the markets that create jobs in the communities that we represent.

I have been sitting in the Chamber waiting to talk about the single market for a considerable time, because it is an extremely important issue for the individuals whom I represent. It is of vital concern to everyone in Wrexham. It is not an abstract constitutional concept; it is about people's livelihood, future, wealth, and education. It is about the way in which they live their lives. Since 1997, when a Government who believe in the single market and the balance of social protection came to power, there has been a civilised improvement to the lives of the people whom I represent. The Conservative party does not understand that. It has no concept of which issues are important to the people I represent.

I was appalled to hear what the right hon. Member for Wells (Mr. Heathcoat-Amory) said about de-industrialisation. I will tell him about de-industrialisation: it is what happened when I was growing up in Tyneside in the 1980s. I took advantage of the single market and went to work in Germany because there were no jobs in Tyneside. De-industrialisation happened in Wrexham, the community that I represent, where 20 per cent. of the population were unemployed. Today, that figure is only 2 to 3 per cent. One of the big issues in Wrexham now is people from other EU member states travelling to the town to work. We do not have de-industrialisation. Let me tell the Conservative party why Labour won the last three general elections: it is because we have success—

The First Deputy Chairman: Order. I must remind the hon. Gentleman of the large group of amendments on which he should focus his remarks.

Ian Lucas: The amendment is essentially about imposing additional burdens on the single market. The Opposition need to be honest about their position. The Conservative party does not believe in the single market; it is a protectionist party, and it is proposing a protectionist measure. There is no question about that. Anyone who can read can see that set out in black and white.

Mr. Harper: If what the hon. Gentleman says is true, how does he explain the fact that the right hon. Member for Neath (Mr. Hain), who did some of the negotiation for the Government, tried to change the constitution by doing exactly what our amendment proposes? The difference is that he failed.

Ian Lucas: I do not agree with my right hon. Friend the Member for Neath, because I believe that the proposal is protectionist and should be opposed.

Ms Hewitt: My hon. Friend is making an extremely important point. Does he agree that by strengthening the EU institutions' powers on the competition rules that are necessary for the internal market, the treaty will allow Britain to ensure that its businesses can get access to markets in other parts of the European Union where protectionist tendencies have been all too evident? The Opposition claim to oppose those tendencies, but they do not support the strengthening of the EU powers that is needed if we are to counter them.

Ian Lucas: My right hon. Friend makes an excellent point. The reason why companies such as Wockhardt of India, Sharp of Japan, and Ipsen Biopharm of France have moved into Wrexham is that it is in the European Union and has access to a market of 500 million people, and they wish to export. Many of the manufacturers in my constituency, where unemployment has fallen from 20 per cent. under the Conservatives to 2 or 3 per cent., are exporting. They are manufacturing and exporting in the single market.

Chris Ruane (Vale of Clwyd) (Lab): My hon. Friend is giving an excellent exposition from the perspective of Wrexham. Does he agree that 68 per cent. of Welsh exports go to the EU, and over 500 companies in Wales export to the EU? To go down the track proposed by the Opposition would lead to another Tory recession in Wales.

6 pm

Ian Lucas: My hon. Friend is right. Wales benefits hugely from the single market and from the EU.

The contribution by the right hon. Member for Suffolk, Coastal (Mr. Gummer) was instructive. He made an excellent speech, which should be read by anyone who suggests that the Conservative party is moving towards a position in the centre. The right hon. Gentleman is entirely out of step with all those at present sitting on the official Opposition Benches.

Protectionism will not bring jobs to my constituency. I oppose it absolutely. It is the wrong way to go. What we need is a balanced approach, as set out in article 2 of the treaty of Lisbon, which takes into account social responsibilities and social rights, balanced by a successful internal market. The amendment must fall.

Mr. Harper: I start by picking up seamlessly from where the hon. Member for Wrexham (Ian Lucas) finished. It is worth noting briefly—I shall not labour the point—that one of the benefits that Welsh companies have had is some of the objective 1 funding, which has done nothing more than move some of the jobs from constituencies like mine, in England but on the border with Wales, a few miles down the M4. It has not been job creation so much as job moving.

Ian Lucas: On a point of clarification, Wrexham has not benefited at any stage from objective 1 funding.

Mr. Harper: I was not referring specifically to the hon. Gentleman. I was referring to the point about Wales generally, which the hon. Member for Vale of Clwyd (Chris Ruane) made. I know for a fact that many companies in Wales have had some of that funding. Instead of locating in constituencies like mine, they have moved to constituencies in Wales. There has not been a net benefit to the UK at all. The funding has simply moved the jobs around.

I shall speak to the amendments tabled by my right hon. and hon. Friends, starting with amendment No. 237. As I said briefly in an intervention, the Government—and the right hon. Member for Neath (Mr. Hain) was working on behalf of the Government at the time—wanted to do exactly what our amendment says. I shall read out an amendment that he tabled at the Convention, on which my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) served.

The amendment tabled by the right hon. Member for Neath stated:

"The Community does not have exclusive competence in relation to measures to ensure free movement in the internal market. . . If the Community were to have exclusive competence . . . Member States would have no power to take any measures (e.g., in relation to the protection of health or consumer protection) which could affect free movement, nor to establish rules to promote competition."

We shall even be restrained from taking measures to create a more competitive market if the exclusive competence measures go forward.

The right hon. Member for Neath made the point that

"Member States currently exercise powers in these areas. The Community has power to harmonise the rules in these areas, but authority to take action . . . is . . . shared."

That is a perfectly sensible arrangement. Maintaining the status quo will hardly lead to all the appalling outcomes that some Labour Members have tried to scare people with.

One of the key points, which was not touched on in the debate on the motion and has so far been dealt with only by my right hon. Friend the Member for Wells, is that competition is not an end in itself. On that I agree with one or two Labour Members. The purpose of a competitive market is to make our businesses more able to compete not just within Europe, but with the rest of the world. As a number of hon. Members said, Europe currently accounts for a significant chunk of the world economy and a significant chunk of world trade, but those of my generation are looking at what will happen over the next 10, 20 or 30 years. Because of the economic growth in other parts of the world, we need to make sure that we win business in India, China,

[Mr. Harper]

Russia and the fast-growing markets in south America such as Brazil and Mexico, and that we continue to do so in the United States, which will continue to grow very fast.

My concern is that this debate is in danger of becoming not little Englander—I have heard that phrase thrown over from the Labour Benches—but little European. We are focusing on the European market to the exclusion of the world outside. My right hon. Friend the Member for Wells highlighted a danger of regulation—if we regulate within the European Union thinking only of the EU, we could handicap ourselves in competing in a global market.

Mr. Doug Henderson (Newcastle upon Tyne, North) (Lab): I want to make a serious business point, not a party political one. Does the hon. Gentleman agree that there will be temptations in a global world and global market for a company such as Airbus to source from areas with a cheap labour supply, provided that everything else is in order, and that it would be difficult to counteract that? Airbus, however, is in no way constrained by basic regulation in the EU; it can still compete internationally with Boeing. If there are constraints, they are to do with labour costs, not over-regulation.

Mr. Harper: I do not think that the industry and companies chosen by the hon. Gentleman are a terribly good example. They are very important to our economy and that of the US, but that industry and both those companies are heavily subsidised, either directly by the taxpayer or, in the case of Boeing, indirectly—it is alleged—through defence contracts and so forth. Governments are already heavily involved in those companies because of direct or indirect subsidies, so they are not a terribly good example of competitive businesses.

Before I came to the House, I worked for an American multinational that competed and had manufacturing operations across the world, including some in Europe. I know some of the realities of business and how it is conducted around the world. I am keen for British companies, those based in Britain employing British workers, and companies owned by British people, to be successful globally. That is one of my concerns.

My right hon. Friend cited the EU's own estimate of the cost of regulation compared with the cost of the single market. I just caution Members on both sides to remember that however important the single market is today, it will become relatively less important for British companies as we go forward, simply because of the fast growth around the world.

The hon. Member for Wolverhampton, South-West (Rob Marris) made the point that some of the countries currently competing on the basis of cheap labour costs, such as India and China, are rapidly industrialising and want to compete at a higher level of added value. They are looking at design and moving up the food chain, as it were. We have to make sure that we sell to them, and they will be good competitors.

That is my concern about giving the EU exclusive competence in this area. There is a role for a British Government, still able to legislate in this area, to be moving faster and to be a good example of moving things forward. One of the tragedies of the EU is that the Government have not been successful, with others, in moving that agenda forward.

Mr. Graham Brady (Altrincham and Sale, West) (Con): My hon. Friend is making an excellent contribution. In the context of what he is saying, does he agree that maintaining a more flexible labour market and less regulation is essential not only for the health of Britain's economy but for the wider EU economy? Within the EU, we present a competitive challenge that sets the direction and tone that the EU has to try to meet. That allows the rest of the EU to compete globally.

Mr. Harper: My hon. Friend makes a good point. It is good if, within the EU, countries have the flexibility to think about more competitive economic policies and to set each other challenging goals to demonstrate what is possible in the world.

Just before my hon. Friend made that important point, I was going to mention the previous Lisbon process and the Lisbon European Council of March 2000. This is particularly relevant to this group of amendments. The Council's aim was to

"make the European Union the most competitive and dynamic knowledge-based economy in the world".

That is exactly what hon. Members on both sides of the House have been talking about today.

However, the Government carried out their own study last year, and in January 2007 the Treasury and the then Department for Trade and Industry published a joint assessment of the single market. Among its findings were that

"the rate of progress—in terms of strengthening and deepening the Single Market—has slowed down".

The key points were that

"Europe still lags behind its main competitors, notably the US",

that the "long-standing challenge" that I have just outlined was a "far-off aspiration", and that

"competition can be expected to become more intense, with the rapidly emerging industrialising economies of India and China catching up fast."

That is exactly our concern. Since this Government have been in office, they and other European Governments have set themselves the right challenge—to make Europe more globally competitive. However, according to their own assessment of just one year ago, they have comprehensively failed to meet the goal set during the previous Lisbon discussions.

One of the challenges for a future British Government—I think that it will probably have to be ours, because this one has simply failed—will be to set the bar higher, and to challenge Europe to be more globally competitive.

Rob Marris: May I suggest to the hon. Gentleman that he and I would draw completely opposite conclusions from the research to which he has referred? My conclusion is that the current European Union framework relating to competition and the knowledge-based economy mentioned at the Lisbon 2000 Council has not worked, so we need to change things. The difference between us is that he would change them by what I would regard as the somewhat protectionist domestication of this stuff, whereas I would do it through the EU reform treaty. We agree that we need change; it is simply a question of what change we need.

Mr. Harper: I do not think that the hon. Gentleman can have been paying attention. I was not talking about a British Government legislating domestically in a protectionist direction; I was talking about moving in a pro-competitive direction and setting the bar higher, so as to set a powerful example for other European countries to follow.

I want to touch briefly on trade matters, and to remind Members that we do not have a trade policy any more, because such policy is now effectively governed by the European Union. We rely on influencing the single Trade Commissioner, Peter Mandelson, to make good agreements on our behalf. Using that model, however, the evidence is that some of the recent agreements have not been particularly successful. We all remember the agreements of a few years ago on textiles and shoes. They were protectionist in nature, so as to protect some of the southern European countries, and they damaged poorer countries in the third world. We should be giving those countries a leg up by trading with them, yet our agreements actually put poorer workers there out of work.

Those were very protectionist measures, and I do not want to see that kind of thing in the competitive field. I want the British Government to be pro-competitive, and I would like to see a bit more of that ability on the trade side. I want us to set a good example. That is why I support the amendments tabled by my hon. Friends, and why I do not support the Government's approach.

Colin Burgon (Elmet) (Lab): As ever, Mrs. Heal, I hang on your every word. You have told us to be precise and to the point, so I shall try to do that. I know that many other Members wish to speak.

I rise to speak to amendment No. 224, which has been tabled in my name and those of other enlightened colleagues. It might appear to be a technical amendment, but I would argue that it goes to the very heart of the debate that many of us have wanted to have during the passage of the Bill. We are essentially arguing for a social Europe, rather than a neo-liberal Europe.

The amendment deals with a provision in article 2, paragraph 158 of the Lisbon treaty, which replaces the old article 133 establishing the common commercial policy. That part of the treaty forms the underpinning for the single market. The new article 188 includes the existing provision for a special committee appointed by the Council to advise the Commission when negotiating trade agreements. No doubt hon. Members are thinking that this sounds a bit boring and bureaucratic, but it is a tremendously exciting subject—they should not be put off by the anaesthetising language that usually emanates from Europe. I can already sense the vibration going round the Chamber.

6.15 pm

The so-called article 133 committee, perhaps to be known as the article 188 committee if the Bill is passed, is one of the most serious concerns among the international development non-governmental organisations. Ministers have constantly cited those NGOs when praying in aid their support for a few of the treaty provisions in the development aid sections of the treaty, although I think that they have somewhat over-egged the pudding. Either way, the Trade Justice Movement, representing all the major NGOs and trade unions and including the TUC, has this afternoon issued a new statement on the treaty outlining its broad concerns about the trade sections of the Bill, in particular its objection to the operation of the article 133 committee. It is fair to say that the Trade Justice Movement supports the thrust of my amendment, and I hope that the Minister will take it as seriously now as the Foreign Secretary did when he mentioned it in support of his arguments on Second Reading. Its concern is that the European Union's role in international trade is perhaps the biggest single force behind global neo-liberalism. At the same time, international trade is also perhaps the biggest single role of the EU.

However, that transfer of power to the EU has not been accompanied by a comparable increase in transparency, democracy or accountability, especially not to this Parliament. Indeed, Commissioner Mandelson—I nearly called him Comrade Mandelson—is now one of the world's most powerful bureaucrats, and he will be even more so once this treaty is passed with the provisions for exclusive competence on trade. At this stage, I will resist a launch into a critique of neo-liberalism and move swiftly on. One influence that member states do still have over Commissioner Mandelson is through our representation on the article 133 committee, yet that committee is even less democratically accountable to us than even other EU institutions.

Most Members will be aware of the role of the article 133 committee, but in case one or two do not, I will summarise it. It scrutinises, amends and approves Commission proposals for EU negotiating mandates on trade arrangements. Its members attend the international negotiations as part of the EU delegation, and they are usually the largest single delegation at World Trade Organisation talks. Indeed, I believe that 800 EU representatives attended the last WTO talks, which demonstrates the EU's sheer power in the WTO. The committee agrees EU position papers in principle which are, as I understand it—the Minister will put me right if I am not correct—passed for formal approval, first, by the Committee of Permanent Representatives, which again comprises unelected bureaucrats, and then by the Council, where they finally reach elected Ministers representing our national Governments. However, approval usually comes at what is called in Euro-jargon an A point, which means that the policies are endorsed without discussion.

Over the years, more and more issues have become settled by the article 133 committee, and Ministers rarely debate EU negotiating mandates at the political level. Nor do we have any power in this Parliament to mandate the Minister, let alone officials. We cannot even find out how people voted, because the committee does not seem to take formal votes. It seems very hard to get information about the committee. I understand that we are represented on it, but we still cannot find out the necessary information. It deliberates in secret and publishes neither agenda nor minutes, and records of how decisions are taken are not made available to the public.

It is true that copies of outcomes of meetings can be requested by members of the public, but they take several weeks to arrive and are so heavily censored as to be meaningless. For example, about two thirds of the text is often deleted, and all references to the positions taken by participants are simply blacked out. It is therefore impossible to hold our Government to account for the positions that they take in our name.

Rob Marris: Perhaps I have misunderstood my hon. Friend's amendment. The situation as regards the article 133 committee is worrying, but his amendment would remove from the treaty provisions that would make the special committee more accountable. Article 207 in the consolidated texts of the treaties says:

"The Commission shall report regularly to the special committee"

that is the bit my hon. Friend wishes to remove—

"and to the European Parliament on the progress of negotiations."

Would his amendment not remove the accountability that he feels is currently lacking?

Colin Burgon: In many respects, my amendment is a tactical response to drag into the public domain one of the key issues that we should be facing, and the very fact that we are discussing these matters means that we have achieved that.

People may say, "Let's use the EU's freedom of information legislation to find out about the 133 committee." A group of Irish parliamentarians recently made 32 written requests, submitted under the legislation, to find out about the article 133 committee and the Irish representatives on it. However, 31 of those requests were refused.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): Will the hon. Gentleman give way?

Colin Burgon: No, I am just drawing to a close.

I am minded at this stage not to press my amendment to a Division—[Hon. Members: "Oh no!"] Members should not tempt me. First, I want to hear the Minister's opinion on these questions. Secondly, how can he assist us in opening up EU trade policy? Can he promise that the crucial information in question will be laid before the House? Will we be told who represents us on the committee, what their mandate is, what positions they will argue for and how they have voted? Will he guarantee to lay before the House the outcomes of the meetings and other relevant documents?

To be helpful, I shall not press my amendment to a vote, but we should revisit the matter because it is really important. The Minister may not agree with me on a wide range of issues, but I hope that I will get some response to some of the points that I have raised.

Mr. Cash: Today is Ash Wednesday, which is the day on which we ought to repent. I went to a service this morning in Westminster cathedral. I am going to repent the mistake that I made in 1986 of voting for the Single European Act. It was then called the European Communities (Amendment) Bill, which is not unlike the name of the Bill we are debating, except we are talking not about European Communities but about the European Union. I want to put that on the record because my hon. Friend—my dear friend—the Member for Aldridge-Brownhills (Mr. Shepherd), who voted against that Act, knows what it means for me to say what I say now.

I shall say one other thing, however. I tabled an amendment to that 1986 Bill that stipulated that nothing in the Act should derogate from the sovereignty of the United Kingdom Parliament. As I was going through the Lobby, a certain other person came to join me—the predecessor of the hon. Member for Wolverhampton, South-West (Rob Marris), who has intervened a lot in this debate. It was Mr. Enoch Powell, and he said to me, "I have put my name to your amendment." And those two names stood there on the Order Paper, completely alone on the sovereignty of this Parliament with regard to the 1986 legislation.

On 23 April 1986, I made several points about the internal market. I said that I had

"some reservations about how we might move to majority voting."

I also pointed out—to pick up the points of my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory)—that the CBI and other trade organisations should make proper representations. In the internal market, it is essential that representations are properly made so that we can respond on matters such as exclusive competence, shared competence and so on—the subject matter of the amendments.

At that time, I spoke after the then Minister for Trade. I said that we must put our British interests first. I emphasised:

"We live in a global economy but have to keep our interests ahead of other people's. We must have regard to our own interests while working in the EC."

I believe that that remains the case. In my short speech, I also mentioned that I had recently served on the Financial Services Bill Standing Committee, in which all the issues that crop up in the group of amendments arose. I said that

"we shall be exposed to international pressures in investments, capital movements, competition, biotechnology, intellectual property ... banking, financial services, and telecommunications."

I said that, in all such matters—

The First Deputy Chairman: Order. With that amount of knowledge, perhaps the hon. Gentleman could address his remarks to the amendments.

Mr. Cash: I am simply making the point—I am not trying to avoid the ruling—that, ultimately, I had to say:

"We must learn to live in the modern world... of protectionist pressures",

which are inherent in the problems of exclusive and shared competence that we are considering today. I continued:

"We must bear in mind the consequences of giving legal effect to the proposals in the Single Act. The European Court of Justice will be involved. We must be sure that we know what we are doing. Who will control it all? The Government? Parliament? The Commission?"—[*Official Report*, 23 April 1986; Vol. 96, c. 378-9.]

By Parliament, I meant this Parliament. I simply wanted to get that point on the record.

I repent because it has become abundantly clear from all our debates in the past few days that the European Court of Justice and our inability to invade the acquis communautaire, unless we have a "notwithstanding" formula, will prevent us from achieving our objectives.

The Lisbon agenda has been mentioned several times and I especially commend the speech of my hon. Friend the Member for Forest of Dean (Mr. Harper), who enlarged the debate to encompass subjects that matter. The internalisation of the market is in the

framework of the current proposals. We are dealing with an internal market but also with protectionism within it. There have been several exchanges about Mr. Sarkozy's comments. Our main objectives should be to look outwards, as my hon. Friend the Member for Forest of Dean said, to a globalised economy, as I attempted to predict—I believe correctly—some 20 years ago in 1986. I believed that the single market was intended to operate in that way. It has not worked in that way. Indeed, it has internalised, not externalised and it has therefore failed. That is why the Lisbon agenda has failed.

The Minister for Europe is not personally responsible for the documents that relate to the Lisbon agenda, which were submitted to the European Scrutiny Committee in January. However, he is representing the Government and I simply want to repeat the European Scrutiny Committee's comments about those documents. We were given an analysis and I am sorry to say that we had to be critical of the Government's response to them. In a nutshell, we said that the Exchequer Secretary to the Treasury could not justify the report that she gave. That related to the entire Lisbon agenda and every single matter dealing with competition policy and the re-launching of all the initiatives that had failed since 2000, in respect of which Will Hutton, the rapporteur and an extremely distinguished economist, made some critical comments to the European Reform Forum, which I helped to initiate.

We in the Committee said that the degree of explanation in the

"two…paragraphs in the Treasury's Explanatory Memorandum, one of which is little more than an elaboration of the titles of the seven documents and annexes concerned, is a wholly inadequate description of the content of the almost 400 pages of these papers."

The Committee asked the Exchequer Secretary to ensure that the documents would explain things properly in the future, and so on. I mention that because it is made clear in the documents that those who run the European Community are aware of a thing called reform fatigue. There is a reluctance to tackle issues that require reform, and we are not getting the reform required.

Let me turn to the question of exclusive competence—I shall deal with shared competence in a minute. The article in question—article 2B—concerns the enhanced approach through which the Union will grab and maintain new areas of exclusive competence. In particular, it will dictate competition rules. We heard an interesting speech from the erstwhile temporary leader of the Liberal Democrats, the hon. Member for Twickenham (Dr. Cable), but as I pointed out to him, he missed the main point. Although he explained the layer upon layer of development of the internal market, the reality is that we have reached an apex and have to retrieve the situation in order to prevent the over-regulation that is literally destroying British business and European business, too.

6.30 pm

In fact, the leviathan has engulfed the European single market. That is the problem, and it cannot be changed except by invading those regulations and the acquis communautaire, and by ensuring that we reform all the regulations—

Mr. John Gummer (Suffolk, Coastal) (Con) *rose—*

Mr. Cash: My right hon. Friend will have to restrain himself for just one second. I know that he does not agree with me, but that does not bother me one jot.

The reality is that the £450 billion of over-regulation described by Mr. Verheugen, who is the commissioner responsible, speaks for itself. As my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) correctly pointed out, if we evaluate the cost-benefit of the European Union—that is, assess the amount claimed as benefits of the Union against the actual costs described by Mr. Verheugen—the answer is that the European Union is not functioning as it was claimed when I voted for the Single European Act in 1986. However, I am delighted to give way to my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer), because I know that he will attempt to disagree with me.

Mr. Gummer: I was present at exactly the same service as my hon. Friend this morning, but I am not saying that I was guilty of voting in the way that I did, either at that time or since. Indeed, I have been consistent. However, as a business man working over the whole of Europe and advising large numbers of international companies working in Europe, I have to tell him that the picture of the European Union that he has given is totally foreign to anyone who does the job. It is about time that people talking about business in the House showed that they knew about it and did it, rather than making the sort of comment that one can make only if one has no knowledge of how business actually works.

Mr. Cash: I am delighted that my right hon. Friend has said that. As it happens, for 20 years before I became a Member of this House I was advising many, if not most, of the biggest companies in the UK on the whole question of the impact of legislation. I have also written many articles on the manner in which business, as I mentioned in a speech in 1986, has failed to concentrate on getting the European regulatory system right. That is why I was so cross—as was my right hon. Friend the Member for Wells—when Lord Jones as he now is came as Digby Jones to the European Scrutiny Committee and had the brass neck to say that we were not doing our job properly, when the CBI under his director-generalship had actually made no representations to us at all. My right hon. Friend the Member for Suffolk, Coastal should therefore be more careful about the amount of experience to which he alludes.

Mr. Bone: Speaking as someone who ran a manufacturing plc, which exported all over the world, including to Europe, I have to say that I recognise the analysis of my hon. Friend, not that of my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer).

Mr. Cash: I am grateful to my hon. Friend, but in a spirit of amity with my right hon. Friend the Member for Suffolk, Coastal, who I find to be a most engaging person, and because he went to church this morning—even though he did not repent—let me say how glad I am to move back to the issue of exclusive competence. If we carried on any further with our current topic of debate, I suspect that the Chairman might well intervene and encourage us to return to the issue of exclusive competence.

[Mr. Cash]

As I was saying before I was diverted by my right hon. Friend the Member for Suffolk, Coastal, the Union will grab and maintain new areas of exclusive competence. In particular, the Union will dictate competition rules, misleadingly justified under the functioning of the internal market as an exclusive competence. Currently, article 5 of the treaty on the European Union stresses that in areas that do not fall within its exclusive competence, the Community shall take action in accordance with the principle of subsidiarity

"only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore by reason of the scale or effects of the proposed action, be better achieved by the Community".

That represents a big problem, because it makes certain assumptions. First, it assumes that subsidiarity can be applied, but as I have said in previous debates, I simply do not believe that it ever has been. Secondly, there is the problem that somebody has to judge what is being "better achieved". Indeed, it has not been determined in which areas the Community has exclusive competence, which has inevitably led to legal disputes.

The European Court of Justice has been recognising the exclusive power of the Community within certain areas where it had not previously had competence. Now it has those competences and the new article is a reflection of ECJ practices and existing case law. The European Community common policy approach will take greater precedence than British obligations to third countries and Commonwealth countries, for example. That matter relates to what the hon. Member for Elmet (Colin Burgon) said a few moments ago about third countries and Commonwealth countries and the representations of non-governmental organisations. I take a great interest in matters pertaining to aid, as does my right hon. Friend the Member for Suffolk, Coastal and my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley), who chairs one of our policy groups on international aid. We should take very careful note of the way in which economic partnership agreements are working and of the damage that that is doing. As I was saying, European Community common policy will take greater precedence than British obligations to third countries and Commonwealth countries, and the European Court of Justice has said that we would

"no longer have the right"

to maintain existing relations.

That is the seriousness of the situation. The European Court has said, in relation to our obligations to third countries and Commonwealth countries, at the very time when we should expand our interest in the globalised economy—particularly in relation to India and its new-found opportunities, Malaysia, the all-party group on which I chair, and all the other Commonwealth countries with which we have a common heritage—that we will no longer have the right to maintain our existing relations. Control over the customs union, establishing the competition rules necessary for the functioning of the internal market, monetary policy, common commercial policy, the conservation of marine biological resources under the common fisheries policy—all are locked into the Union. On the last of those, the Union will be allowed further to regulate catches or ban fishing in several areas. To conserve stocks, therefore, fishing quotas will be further reduced. Moreover, the Lisbon treaty introduces the Union's exclusive competence to conclude an international agreement when

"its conclusion is provided for in a legislative act of the Union or is necessary to enable the Union to exercise its internal competence, or insofar as its conclusion may affect common rules or alter their scope."

Against that background, this is not a game. In relation to the realities of competition, it involves the whole question of the extent to which we are able to succeed as a country. As I said in an intervention on my right hon. Friend the Member for Suffolk, Coastal, I simply do not agree that the whole of the European Union has been a success. As many statistics and figures demonstrate, regrettably, the European Union is dropping down the league. The predictions are that, largely because of over-regulation, the failure of initiatives such as the Lisbon agenda, and the failure of the integration process, by 2020 the EU'S actual GDP will take us even further down the league table. That will affect our constituents. We must therefore spring the trap and start renegotiating the treaties, and get ourselves into a relationship of an association of nation states.

I would strongly recommend to Members a fascinating book that has just come out by Professor Paul Taylor, recently a professor of international relations and director of the European Institute at the London School of Economics. He has written about the failure of the European Union integration process. He gives examples of how the European Union has failed in relation to trade and other matters, and effectively argues that that failure has demonstrated that the Eurosceptic arguments, which have been developed over the past 20 years, have been proved right.

Do I take great satisfaction from that? Twenty years ago, I did make this speech on the Single European Act, and I have not repented of the speech but I have repented of the vote. I take no satisfaction, and never have done, from the failings in the European Community or the European Union. In its origins, it was a good idea. In 1945, people probably would have thought that the European Coal and Steel Community and all the rest of it was the right thing to do. The bottom line, however, is that it has gone in the wrong direction.

For example, on the question of exclusive competence, I would refer to another European Court of Justice case, Commission *v.* Council, case 22-70, concerning a European agreement on road transport, better known as the ERTA case, in which the ECJ delineated the concept of exclusive competence. It stressed that

"each time the Community, with a view to implementing a common policy envisaged by the Treaty, adopts provisions laying down common rules, whatever form these may take... the Member States no longer have the right, acting individually or even collectively, to undertake obligations with third countries which affect those rules or alter their scope."

This provision in the treaty, with the single personality, will remove from the member states most of their current treaty-making powers in those areas.

6.45 pm

The Lisbon treaty has formalised the idea that member states' competences will be limited once the Union has acted. Article 2C includes the internal market as an area of shared competence. My right hon. Friend the Member for Wells and my hon. Friend the Member for Forest of

Dean touched on these issues. The article lists as areas of shared competence the internal market; social policy; economic, social and territorial cohesion; agriculture and fisheries; environment; consumer protection; transport; trans-European networks; energy; the area of freedom; security and justice; common safety concerns in public health matters; research; technology development and space; development co-operation; and humanitarian aid. Energy and space are new Union competences. A vast range of activity that should be in the remit of this Parliament and this Government will be handed over to European control.

I believe, in a nutshell, that the European Union as a customs union will continue to prevent us from pursuing an independent trade policy. I believe that the rules establishing the internal market will remain the same and that an uncompetitive Europe will continue, with very serious consequences of the kind illustrated by my hon. Friend the Member for Forest of Dean. The internal-market question is being internalised, and it is not being understood that we live in a global economy in which India, China, Malaysia and other countries are developing just as we developed in the 18th century. We want to work with them in a peaceable fashion.

Free trade is the essence of peace and prosperity, as Cobden and Bright demonstrated in the mid-19th century. This is the key: we should understand that the rules that are being developed—involving the concentration of power, the apex of decision making being taken away from the free markets and the decisions becoming the arid, desiccated decisions of the European Court of Justice—are not the way to go. They will not allow us to secure the flexibility in trade that I know is desired by my right hon. Friend the Member for Witney (Mr. Cameron). He wants economic competitiveness, and I wholeheartedly support him in that aspiration. That and the sovereignty issue are two of the reasons why I voted for him in the leadership election.

We must put our money where our mouth is. We will only secure that economic competitiveness if we change the basis on which the European Union functions, alter the rules relating to the customs union and the internal market, and return to the EFTA system. That has not yet been mentioned today. We should bring back the European Free Trade Association in a modified form. We need an association of nation states working peaceably together, within a framework that enables us to trade not only among ourselves but throughout the global order, as I said in my speech in April 1986.

My hon. Friend the Member for West Worcestershire (Sir Michael Spicer) has just entered the Chamber. In 1996, with great prescience, he wrote a book about all these issues and the necessity to maintain free trade. He and I had such a firm alliance with others during the entire Maastricht proposals, in part because we eschewed the idea of a European Government and we wanted free trade, liberalised markets and to ensure that the internal market did not become protectionist. That is why we fought that battle.

The politics of the treaty of Lisbon, the deceit that lay behind its origins, and the manner in which the mandate was imposed upon the people of this country and other European states in defiance of referendums in France and Holland, demonstrate that the politics has been leading the economics. I believe that democracy and freedom of choice must lead, and that this House represents the democracy of this country through its representatives. The politics of choice in politics must, however, be paralleled by the politics of choice in economics. That is what this debate is really about, and I totally agree with the exceptional speech of my hon. Friend the Member for Forest of Dean, because he identified the real problem that we must face up to in this globalised world.

Michael Connarty: I am a humanist, not a confessional person, and I must say that because the hon. Member for Stone (Mr. Cash) is a member of my Committee, I feel that I have a duty of care towards him, but I can only stretch to sympathy—I cannot offer him empathy for his speech or for his views on the European Union.

Judging by the Opposition Front-Bench speech, the point of amendment No. 237 is either to allow the United Kingdom to apply protectionist policies because the Opposition are afraid of the Commission carrying out the functions given under sole competence, or to allow the social structure of this country to be ripped apart by a return to the Conservative policies of the 1980s. I remember the damage done by competitive tendering, when there was an unbelievable imbalance fuelled by the fact that local authorities could not compete for services that other local authorities were providing, but only the private sector could compete to take services away from the public sector. It is a good aspect of the treaty that, along with the protocol which I shall mention later, the Commission are given a duty to secure a balance between competitiveness and the destruction of services by unfair competition.

Unfortunately, often when I listen to Conservative Front-Bench Members they seem to have to drag in the negotiations on the Convention and the constitution. This is not the constitution; this is the Lisbon treaty, because many things have moved on in Europe since then. The great debate on the services directive was fought and won to exclude the destruction of public services, particularly the health service, from that directive. The protocol that has been added to the treaty was not in the constitution; those protections were not there. The debate that my right hon. Friend the Member for Neath (Mr. Hain) had in the past reflected a fear of unbridled competition with no protection. It is important that we focus on what we have now, rather than praying in aid past debates and negotiations, because we are in Europe, now and in the future. Unfortunately, Opposition Front-Bench Members often fail to recognise that. I have great respect and affection for the hon. Member for Rayleigh (Mr. Francois), but he does keep talking about the past rather than the future.

I now turn to amendment No. 195 and the Liberal Democrat amendment (a) to it, tabled by the hon. Member for Twickenham (Dr. Cable). The Liberal Democrats are the Janus party—the party of the god with two faces facing in two directions at the same time. The dilemma for the Liberal Democrats is that what we are being shown tonight is the uncaring free-market face, which wants to look towards the more right-wing Conservative voters.

Mr. Jeremy Browne *rose—*

Michael Connarty: I shall let the hon. Gentleman in when I have finished my analysis, because he has the right to take in what I have to say. He said that we

[Michael Connarty]

should have had the provision in the original treaties and in the original constitution—undistorted competition. When I asked his opinion about the protocol that has been added on services of general interest, which protects the services that would be damaged by undistorted competition, he could not tell me whether the Liberal Democrats supported it or not. His own opinion would appear to be that he does not. It would appear that he wanted what was contained in the unbridled, and I believe destructive, competition policies contained in the four great freedoms in the past. One of those freedoms must be constrained or people are damaged because they are the users of the services that are destroyed.

Mr. Browne: I merely observe something about the Labour party. I believe that the hon. Member for Elmet (Colin Burgon), who made his speech about neo-liberalism, was elected in the same general election as Tony Blair, who was elected Prime Minister three times. The idea that the Labour party speaks with one voice on all these matters is absurd.

I believe in free market economics, but of course they should be tempered with social constraints to ensure that we live in a civilised society. Free market economics are an important way of generating wealth, and that is why I am in favour of competition within the European Union.

Michael Connarty: I remind the hon. Gentleman that he speaks as a member of the Liberal Democrats Front-Bench team. Neither I nor my hon. Friend the Member for Elmet, who spoke from the Labour Back Benches, have ever been on the Front Bench. Perhaps I should try to temper the Liberal Front-Bench team's enthusiasm for the free market with the same social concerns that he expresses today. If I have moved on the hon. Gentleman's thinking and that of his party in the right direction, I am happy, because at least I will have done some good work this evening.

The phrase "a duty of care" springs to mind when I think of the right hon. Member for Wells (Mr. Heathcoat-Amory). When I hear his description of the EU, I am traumatised. If I were to think about his view, I would not sleep well when I go home tonight. I know that he had a distinguished career in the Conservative Front-Bench team. I can only suppose that the Convention was a traumatic experience for him, because he returns again and again to the things that happened. We must talk about what this treaty says and offers, rather than about what happened in the Convention. I do not know whether this is a cathartic experience for him, and for the hon. Member for Stone, but if it rids him of that obsession and removes the worry presented to him by the Convention, I would be pleased for him.

Mr. Heathcoat-Amory: The hon. Gentleman said that the Convention was a traumatic experience, and indeed it was for everybody, because it totally failed. It failed because it did not stick to its instructions, which were to create a more democratic and simpler Europe, and a Europe closer to its citizens. Instead, it went down the centralising route and it failed at the hands of the French and Dutch electorate. We all ought to be thoroughly ashamed of how that Convention was conducted and of its outcome. I was not traumatised—Europe was.

Michael Connarty: The right hon. Gentleman laboured the point about regulation. I shall give him a book that I have read called "The Mad Officials". I kept it because it is worth referring to again and again. It was written in the 1990s by a former senior UK civil servant who pointed out that the regulation madness was actually driven by the UK civil service, because it gold-plated everything that came from Europe. That practice made the regulation weigh much more heavily on our firms and on our legal procedures than it did in other parts of Europe.

I have seen that effect at first hand in respect of a big petrochemical refinery and petrochemical plant in my constituency. It was formerly a BP plant, but it is now owned by Ineos. The regulations on the gases coming out of its flares are four times stricter than they were in the European directive, because our Departments decided to quadruple the severity of their application. That happens again and again, and it is not necessarily the fault of the EU, but of the way its regulations are added to the law in this country.

7 pm

We will be protected from some things if the Commission has sole competence, and some of them have already been mentioned. The new phrase going around Europe is "economic patriotism", but it is protectionism. We introduced liberalisation of domestic energy, but that means that the power needed to switch the lights on in this august place, in No. 10 and in the rest of the Seeboard Energy area comes from EDF. But the French had to be threatened with infraction by the Commission before they would liberalise their markets, and that was after the last day of the last month in the directive to which they had signed up. That is why the Commission needs the power. We should not let countries have shared competence, because they will use economic patriotism and obstruction to block the free market that we argue about every time I go to COSAC.

I will go to Brussels during the recess to argue about energy production and distribution unbundling under the Lisbon agenda. Resistance is now building to the domestic patriotism excuse, but it can be broken down only by giving power to the Commission and not allowing Governments to block it. Our Government will not try to block it very often, but all over Europe other countries will form alliances to try to block the very liberalisation and free market that Conservative Front Benchers say that they want. They can only get it if they give up the power for this country to block changes, so that other countries cannot block changes.

The postal services directive should be due to be introduced in 2009 throughout Europe, but we introduced it a little early in 2006. That has caused us all problems in our constituencies, but it will not lead to the collapse of the Post Office, as was suggested in the general debate by the hon. Member for Carmarthen, East and Dinefwr (Adam Price). There will be a postal service in the UK, but it should have been able to enter a wider market, using its new slimmed down abilities to win work, in 2009. The general agreement might not come in until 2011, and some countries will not implement it

until 2013. That is what happens if the Commission does not have the power to force through the market that we want to work in, as well as live in.

In the international sphere, the Commission will be responsible for driving forward commercial agreements with the Council, in unanimity. There has been much talk about how the EU has slowed up the benefits for other countries, but the World Trade Organisation is driving the liberalised market internationally. It is the WTO that has been threatening other countries' ability to benefit, but the EU has, for example, been defending the African, Caribbean and Pacific countries by giving them time to move out of their lock-in on certain products. Even at a later stage, they need only be 80 per cent. of the way to a completely liberal market, and that will give them some leeway. The European Union and the Commission are doing a good job in that respect.

It is important to talk about what the treaty is about and why the amendments tabled by the Liberal Democrats and by the Conservatives are inappropriate and unnecessary. I have been going to conferences in Europe for some time now and I have been on the European Scrutiny Committee for nine years, with one year as the Chairman. I have regularly attended meetings, often with officials, to see how matters are developing. For all that other Members say that they wish to challenge what happens or how they are interested in the strategy, I am often alone in attending those conferences. There are no other volunteers from this Parliament to go. I know that the one I am going to in a few days is during the recess, and people will be off having a holiday somewhere. It may demonstrate that I am sad, but people do not even want to go when Parliament is sitting. If they did, they could argue their case on the development of the market face to face, across the table with colleagues in the European Union. I commend the Chairman of the Treasury Committee who also often goes alone to argue the case for the UK in those forums.

I turn now to amendment No. 237 and article 3 of the consolidated treaties, which is called article 2B in the amendment. I am not sure what it is that scares those on the Opposition Front Bench. Even when sole competence is given to the EU, it is quite clear that if we say that we do not want article 2B, which is about

"the establishment of the competition rules necessary for the functioning of the internal market",

that will be because of the sole competence. Article 2 specifically states:

"The Member States shall exercise their competence again to the extent that the Union has decided to cease exercising its competence."

It also says that member states will be able to do things themselves to carry out the policies that the Commission lays down.

It is as though the Opposition think that the Commission has a blank sheet and can write any law, which will then somehow be enforced. It is not a blank sheet. There are 27 columns that contain the parts of the Union: the 27 Prime Ministers, Chancellors and Foreign Secretaries. They write the script for the Commission, in the main, and the proposals are carried out on their behalf. The Commission can think up and propose ideas; it cannot carry them through without the Council or the European Parliament, if co-decision making applies. It is as though some organisation out there gives us instructions without our participation, which is nonsense.

Article 26 of the consolidated treaties, on the internal market, states in paragraph 3:

"The Council, on a proposal from the Commission, shall determine the guidelines and conditions necessary to ensure balanced progress in all the sectors concerned."

That is what happens in the creation of an internal market. The Council decides after a proposal from the Commission what should be put into the internal market rule. Let us consider article 22, under title II of the consolidated treaties, which is entitled, "Free movement of goods". It is important that we accept that it says clearly that there should be free movement of goods—and of people. Let me ensure that I make it clear, as I do not want to misquote these wonderful and important articles. Article 28 says that we will provide a customs union—a move that was criticised roundly by the hon. Member for Stone—and that there should be a free movement of goods in that union.

How can anyone say that the EU is a failure, as the hon. Member for Stone did? It is clear that when the barriers to trade in the EU were brought down, many companies came to the UK so that they could trade in the EU. That was certainly the case in my constituency. At one time, Scotland was the source of more televisions and computers for Europe than any other country in the EU. Those were boom years for the Scottish economy, using the free movement of goods title.

Mr. Cash: Why does the hon. Gentleman believe that a customs union is necessary in order to be able to trade between different countries, whether in Europe or in the rest of the world? We need free trade throughout the world to enable people to do exactly what he would like; we do not need a customs union or a European Union, with all these exclusive competences, to do so.

Michael Connarty: If that is the case, why was Scotland a bit of a wasteland for manufacturing under the Conservative Government until we joined the EU? When we joined the EU, Scotland was suddenly part of a larger union with free movement and clear rules about tariff barriers. The treaty contains rules about not only tariff barriers but other technical barriers that tried to stop the free movement. We had the benefits about which I am talking because we moved into the larger free market zone. *[Interruption.]* The hon. Member for Stone can protest from a sedentary position if he likes. He does not like the other parts of the EU, and maybe he does not like parts of the customs union, but it is a fact that his constituents and mine benefited—and continue to benefit—from being part of that larger union.

We had some controversy about service liberalisation, which is dealt with in articles 56 to 61 in chapter 3 of title IV. I would be worried about that too if we did not have the protocol on goods of common interest to which I referred earlier, but we need free markets, without barriers, in goods and services, and in services provided by individuals.

Articles 107 and 108 in chapter 1, section 2 of title VII deal with state aid. They are fundamental to what the Commission will do, and they make very clear what will happen in respect of state aid. Article 107 states:

[Michael Connarty]

"Save as otherwise provided in the Treaties, any aid granted by a Member State or through state resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall...be incompatible with the internal market."

Every year, the European Scrutiny Committee sees reports that deal with investigations into state aid—

Mr. Cash: Here they are!

Michael Connarty: I see that the hon. Member for Stone has the relevant papers. I shall not read from them, but it is the Commission that will break down the barriers and make sure that, in the absence of joint competence, countries will not get away with subsidising their steel industries or transport networks so that they can undermine people in our jurisdictions.

In the consolidated text, chapter I of title VII contains rules on competition. Along with section 2, article 107 of the same title, it is fundamental to what we believe in. My hon. Friend the Member for Hemsworth (Jon Trickett) referred earlier to the rules on competition policy. The text also states that the Council "shall act unanimously", and then lists the areas in which it has unanimity when it comes to controlling the instructions given to the Commission on matters of competition, and especially international competition.

We have a framework for policy making that ensures that the Commission is driven by the interests of all 27 countries, including the UK. To take that away would mean that increasingly we would become a victim of economic patriotism and protectionism. That is why I am happy to support the Government in accepting this element of the treaty.

Mr. Lilley: It is always a privilege to follow the hon. Member for Linlithgow and East Falkirk (Michael Connarty), who brings enormous knowledge to these matters. He focused on the way in which the single market works and, unlike the other Labour Members who have spoken, he did not try very hard to portray the amendments as being fundamentally opposed to the single market.

Conservative Members are not fundamentally opposed to the single market. We have always believed in it, and even my hon. Friend the Member for Stone (Mr. Cash) has confessed that he voted for it. I was moved to look up some of the speeches that I made when I was a Minister. When I was still Financial Secretary to the Treasury, I said that Britain had been a most enthusiastic and consistent supporter of the single market, and that we led in implementing the single programme. I added that the philosophy of the single market was very much compatible with Britain's vision of the future of the European Community.

In 1992, I was Secretary of State for Trade and Industry, with responsibility for supervising the introduction of the single market and the response to it. I said that the single market programme had been a success, in part thanks to our enthusiastic and consistent support. I added that we had fought successfully to keep the single market open to the rest of the world rather than building a fortress Europe, and noted that we had seen off proposals to refuse foreign banks licences in Europe if they did not reciprocate to European banks. I also said that we had argued successfully against giving favours to certain firms as Euro champions.

We were somewhat over-optimistic in those days. The European Commission's Cecchini report forecast that the single market alone would add a minimum of 4 per cent. and a maximum of 7 per cent. to Europe's gross domestic product. I looked on the internet for reviews of how the Cecchini report had worked in practice. Reviews showed that there was no sign of any impact on the growth rate across Europe, and certainly no sign of growth of the magnitude forecast in the report.

7.15 pm

I do not say that the single market has been a failure. It has not been as successful as we hoped, but it has made a contribution. However, we must ask why it did not make as much of a contribution as the European Community, the European Commission and optimists such as I hoped it would. That bears heavily on the amendments before us. There are a number of answers to the question. First, the single market was over-hyped. That is fair enough; people always over-hype things, and I think that we can forgive that, in retrospect. Secondly, sadly, we did not foresee the over-regulation of the single market. Far from being a purely deregulatory removal of barriers and borders between countries, it became a mechanism through which the European Commission could regulate, harmonise and introduce new burdens on business. That has offset many of the gains that we hoped would result from the removal of barriers to business.

Thirdly, we overstated the size and scale of barriers to business between countries. The barriers had already been removed through the general agreement on tariffs and trade and successive trade reforms, so there was not much gain to be made. I can demonstrate that by referring to a speech that I did not give. When I was Secretary of State for Trade and Industry, I planned to give a speech emphasising the benefits that British companies had gained from the introduction of the single market. I asked my officials for specific examples of what British companies were doing as a result of the introduction of the single market that they had not been able to do previously.

My officials came up with lots of examples of things that British companies were doing that they had not done previously, but on inspection it was found that the companies could have done them earlier. It was not the single market programme that had opened up the possibility of doing those things. I said, "Well, let's get lots of businesses in and ask them, so that I'll have examples to put in this speech." We asked businesses from the service industries, where we hoped the greatest gains would be made, the privatised utilities and other sectors. I am afraid that none of them was able to give a single example of anything that they were doing that they had not been able to do before. However, lots of them were doing things that they had not done before, so the psychological impact of the single market was wholly beneficial. It gave British companies the aspiration and the vision to see that there were opportunities on the continent that they could take, but the actual measures were not as beneficial as we hoped.

It would be sad if the single market had taken people's eyes off the other markets in the world that offered greater opportunities. As my hon. Friend the Member for Stone said, one of the sad things about today's debate is how few, if any, references there have been—apart from those made by the hon. Member for Forest of Dean (Mr. Harper)—to India and China, the really big markets on which our industries ought to focus, as they are fast-growing and offer enormous opportunities.

It has been suggested that if the amendment is made, it will have no effect. It is claimed that if we persist with it until the bitter end, it will lead to us not ratifying the Lisbon treaty; the treaty will therefore fall, and we will gain nothing. However, the impact of making and persisting with the amendment, thereby not ratifying the Lisbon treaty, would be much the same as the impact made by the French and Dutch people's rejection of the constitution. They won major changes. I know that they are major, because the Government say that there are major differences between the constitution and the treaty. Funnily enough, they have resulted in major improvements for Britain, although the Dutch and the French wanted to make changes that take us in the opposite direction to that which we tend to want to take. Or are the Government saying that negligible gains resulted from the rejection of the constitution, and that we would therefore get negligible gains and improvements if we sent our negotiators back to gain improvements?

The Government cannot have it both ways. They cannot say that when the Dutch and the French were given a referendum and rejected the original constitution they secured major improvements, but that if we, through the House passing amendments to the Bill, were to cause the Lisbon treaty not to be ratified, we would not in the subsequent renegotiations be able to get significant improvements to the single market and other aspects of the Bill.

I hope the House will take seriously the amendments tabled by my hon. Friends and the amendment tabled by my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory), and that it will have no compunction about passing them, amending the Bill and amending the treaty. That can only lead to an improvement in what is still the European constitution implemented by other means, and it would be our duty and, above all, the duty of Government Members, who promised a referendum. If there is to be no referendum, the very least they can do is amend and send the treaty back for renegotiation.

Jon Trickett: I understand that we are operating under time constraints. I shall speak to amendment No. 223 in my name, which refers to our earlier debate on health.

The House may well have listened with respect when my right hon. Friend the Member for Holborn and St. Pancras (Frank Dobson), who used to be Secretary of State for Health, spoke about the potential effects of the health directive that was published in draft form in December last year. My right hon. Friend described the effects on the NHS as extremely damaging because the directive envisages the possibility that the single market will extend into health provision across the whole of the Union, including the United Kingdom, thereby allowing citizens to cross boundaries.

Following the Watt decision in the European Court of Justice, the directive envisages that citizens of one country travelling in the jurisdiction of another may seek health care and bill back to their home country the cost of that care, whether or not their GP considered such health care urgent and necessary. The dangers of such a policy are immediately clear and I do not need to spell them out. The draft directive causes great concern. I tabled the amendment to probe the Government's position, not necessarily to press the amendment to a Division.

There seem to be two competing principles at stake. I accept that the Lisbon treaty makes it clear, as have previous legal provisions, that health is a matter reserved to the home country. In some ways that is clearer in the Lisbon treaty than it was previously. However, there are other references in the Lisbon treaty that appear to give a certain degree of competence to the Commission in relation to health matters.

The problem is that when the European Court is making decisions, as I remarked yesterday on another matter, it is asked to balance a number of competing principles. One of those principles is the one that we have been discussing all day—the internal market. Whenever goods or services are tradeable, as health now seems to be in the United Kingdom—lamentably, a market in the provision of health care is being created in the United Kingdom—they become subject to the principles of the internal market directorate. There are therefore two competing principles: the principle that health should be reserved to the national Government, and the principle of the internal market. Those two principles conflict.

Then there is the intervention of the terrible twins—the European Court of Justice and the Commission. The trade commissioners include the former right hon. Member for Hartlepool, whom we know well. We have seen the process operate in a number of ways. First, as we discussed yesterday, the ECJ has applied the principle of the internal market above other principles. The beginning of a wedge is driven into the legal provision governing how the EU operates; the wedge is then driven further by the commissioners, particularly those responsible for the internal market.

In the Watt case, a UK citizen received medical treatment abroad without having consulted her GP. The treatment was delivered and paid for; the individual must have had access to resources. She sought repayment from the NHS. The ECJ looked carefully into the matter and concluded that because health has become a tradeable service, the principles of the internal market must apply to it. That is the substance of the Watt judgment.

The commissioners dealing with the internal market then said that notwithstanding the fact that health is a supposedly reserved matter for each home Government, the court had indeed ruled that the principles of the internal market must apply. A draft directive, published in December last year, was quickly withdrawn when it was realised that it might be contentious and could cause problems for the ratification of the treaty in the UK Parliament and others. Nevertheless, we have had sight of the draft directive, which extends the principles of the free market and marketisation to health.

[Jon Trickett]

The principles of the NHS are that treatment should go first to those with the greatest need and that it should be free at the point of service. We have certainly rejected the principle of co-payment—that the patient should pay something, as well as the health service.

Mr. Heathcoat-Amory: Will the hon. Gentleman give way?

Jon Trickett: I will, but only briefly, as the Whips are asking me to sit down sharply.

Mr. Heathcoat-Amory: This is important. The hon. Gentleman's precise concerns about single market powers being used to interfere in health provision were spotted in the drafting of the constitution by working group 5, on which I sat. However, its recommendations to amend the single market powers to take account of those concerns were overridden and ignored in the final document. In a sense, the hon. Gentleman is too late unless he votes for the amendment to overturn that aspect of the treaty, in which case there could be a rethink along the lines proposed. Is he prepared to do that?

Jon Trickett: That intervention was slightly odd, as I have tabled precisely such an amendment; I am speaking to amendment No. 223. It says that for the avoidance of doubt—to use a Government expression on another matter—health will not be subject to the internal market provisions.

I was referring to the Commission's draft directive, which clearly extends the principle of open competition and marketisation to the health service. Perhaps the Opposition parties are perfectly comfortable with such a proposal, but it cannot be right and I cannot believe that they would support the idea that such a change should be imposed on the United Kingdom's national health service through an ECJ ruling, which I think inappropriate, and its reinforcement by the Commission. If the NHS were to distribute its services differently, that would normally be the subject of a debate during a general election. The people would decide whether to vote for a party, such as the Conservative party, that proposed such a system, or for one such as ours that rebutted it. I would have thought that Members on both sides of the House agreed that to subvert the NHS's founding principles in this way was an undemocratic and inappropriate way to change health service provision.

7.30 pm

I want to draw to the attention of the House the Commission's response to the objections that were expressed in an early-day motion that I tabled some time ago. I do not have time to read out the whole text, but the Commission says that some stakeholders have raised concerns about the potential of cross-border health care to alter the overall choices of member states with regard to the mechanisms of control of access to health care. It goes on to say that, be that as it may, it may not be a bad thing if competition is introduced, because that may lead to the shortening of waiting lists, the increase of choice for patients and a shift from systems of distributions of health care such as the one in the NHS which is free at the point of delivery, to mechanisms involving such things as co-payments.

Co-payments were clearly rejected at the general election. They will no doubt be the subject of debate in future, but I hardly think it appropriate for the Commission—an unelected body—to echo the voices of the marketisers in the ECJ by saying that the UK's health care is inappropriately distributed and that the mechanisms by which it is introduced should therefore be subject to change by what I regard as the inappropriate use of internal market principles, which have a generic application, rather than by the application of the principle that the United Kingdom Parliament should decide these matters. The way in which our health services should be distributed is a reserved matter.

That is the burden of my case. It is important for Labour voices to speak up for our national health service, and to say that it is something that we created and that we are proud of. We will fight for the principle that the distribution of health care should be done according to the principles of the forefathers and foremothers of the health service. Beyond that, however, there are major questions to be asked about the way in which the European Union is determining policy. If all the nations have agreed that health should be a reserved matter, it cannot possibly be right to adopt a policy of driving a wedge in so that the ECJ can apply other principles to that reserved matter and gain competence in that area, or for the Commission to say, "Well, the ECJ has established a principle, and we intend to build on it." Yet that is precisely what is happening.

The purpose of my amendment is to allow us to have this debate tonight and to listen carefully to what the Minister says. I have to say that his earlier response was not entirely satisfactory, although he did go some way towards giving us some reassurance. I shall listen to any comments that he makes when he winds up the debate. I want to say to him, with all due respect, that, unless we are given clear assurances that the Commission will not be allowed to delve into health in this way, I shall seek to table an amendment at a future stage in the Bill's proceedings, particularly on the health service.

Mr. Shepherd: I was grateful for that intervention by the hon. Member for Hemsworth (Jon Trickett), and I want to refer quickly to what the hon. Member for Elmet (Colin Burgon) said about accountability. The whole construct is not about accountability in any sense that this House, this country, this electorate or this people understand. No Minister will be responsible for the consequences of all these policies, including the health policy, in front of an electorate. That is what underlies this matter. We should therefore vote to ensure that this treaty is renegotiated. Some amendment has to be made to ensure that that happens; if not, there has to be a referendum.

The savagery of this guillotine is denying the House the opportunity properly to consider propositions such as the treaty's impact on the national health service. Although I may not entirely agree with the conclusions of the hon. Member for Hemsworth, I agree with the principle that someone in this House must be accountable to the people who vote us here.

Let me turn to what my hon. Friend the Member for Stone (Mr. Cash) had to say between the pancakes of yesterday and the ashes of today. He recanted, in a

curious way, on the single market. Twenty years ago, the great idea was that we had to have a single market. Mrs. Thatcher believed that this would open up Europe. The distinction, of course, is between a common market and a single market. I want very rapidly, in light of the time constraints and the fact that the Minister for Europe wants yet again to reprise the same arguments that we have heard for the past few days, to show wherein lies the more dynamic model. The United States, for all its sins and everything else, is a common market. The vitality of the American economy has outshone that of the European economy over the past 20 years, and it is still an enormous engine for growth. The competition between those accountable units of government enables the dynamic of capitalism, if that is what one believes in, to flourish.

We have been told that £450 billion of regulatory costs now rain down upon this structure. At the heart of all these arguments lies this question: who is accountable? We have a constitutional arrangement that means that the people of this country are sovereign in terms of the activities of this House. Within the amendment tabled by my hon. Friends, and within this group of amendments, lies the opportunity to give this Government a message about the treaty that they negotiated, despite the history. Unfortunately, the Chairman of the European Scrutiny Committee castigated my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) for remembering the past, but we should remember Cicero, who said that those who know nothing of the past will for ever remain a child. In a sense, this great parliamentary Chamber has collective amnesia as regards remembering to whom we are accountable and who should form our laws. A common market beats, every day, a single market as constructed by the Commission and this treaty arrangement.

The Minister for Europe (Mr. Jim Murphy): I am delighted to have the opportunity to respond to this evening's debate on the amendments. I remind the House collectively that the structure of the debate, and in fact this afternoon's debate, is not the structure initially proposed by the Government in their business motion but that proposed by Opposition Front Benchers in their amendment—three hours followed by three hours.

Mr. Francois: Let me nail this one now. In their amendment to the motion, the Opposition proposed 18 days of debate, and the Government turned that down. The Minister should not blame us for his bad motion.

Mr. Murphy: There are four Conservative Back Benchers here at the moment. The hon. Gentleman's amendment to the business motion suggested one day on this issue, divided into two parts of three hours each, which is exactly what we have had today, so we are following his recommendation.

Mr. Shepherd: This is entirely nonsensical—the fancy dance before the guillotining of a constitutional motion. This debate could have had an open theme, and we would have been able to discuss the issues. Look at the home affairs debate, look at today's debate—huge rafts of matters have been unable to be discussed properly and functionally. The line that the Minister is taking is to say that the repression of the House of Commons is in the best interests of the House of Commons.

The First Deputy Chairman: Order. We are now getting on to the mechanics rather than the substance of the debate.

Mr. Murphy: The only point I was making was that the framework for today's debate has been the one set out by Opposition Front Benchers.

On the amendments that were proposed and discussed during the past three hours or so, the debate started with the hon. Member for Taunton (Mr. Browne) making his debut in our proceedings. He is a leading Liberal Democrat orange booker—or the leading orange booker. I did not know that before he rose to speak, but the House was in no doubt about it by the end of his contribution. He is a leading ideologue in the Lib Dem party on such matters. Despite that, his speech was very well informed and on occasion, where appropriate, it was remarkably self-deprecating—something that we do not hear often enough in his House.

We also heard from my hon. Friends the Members for Crawley (Laura Moffatt), for Hemsworth (Jon Trickett) and for Wolverhampton, South-West (Rob Marris). On several occasions, my hon. Friend the Member for Crawley talked about the crucial need for stability in Europe and businesses in what she described as the Gatwick diamond—I have no idea where that is—*[Laughter.]* It sounds very expensive. She talked about fact that the stability that businesses in her constituency relish is offered by the European Union.

We also heard an authoritative speech from my hon. Friend the Member for Linlithgow and East Falkirk (Michael Connarty). Publicly—on television, in this House and in Select Committee hearings—we have not always seen eye to eye. We have disagreed on occasion, but the whole House respects the dogged and determined way in which he carries out his job as the Chair of the European Scrutiny Committee.

The hon. Member for Stone (Mr. Cash) is now in his place, so it is appropriate to mention him. He has made his contribution on this Ash Wednesday. Unfortunately, but understandably, I had to miss mass today in order to listen to the hon. Gentleman. I have not yet decided what to give up for Lent—*[Laughter.]* Thus far, my life, because it has been lived this Chamber. The hon. Gentleman repented, on this of all days, his previous votes. I was counting: he denied himself three times during his speech. I wish to congratulate him and the right hon. Member for Hitchin and Harpenden (Mr. Lilley) on what, in my 11 years in Parliament, is a first—a parliamentary innovation. It is the first time I have ever heard hon. Members quote as an authoritative source in the debate none other than themselves, from their previous speeches.

Mr. Cash: In the same spirit, the Minister cannot blame us for quoting predictions we made in those days if, as far as we are concerned, they appear to have turned out to be right.

Mr. Murphy: I cannot blame the hon. Gentleman. I missed his speech the first, second, third, fourth and fifth time that he gave it, so I was delighted to hear a reprise of it this evening.

[Mr. Jim Murphy]

We also had an uncharacteristic contribution from the right hon. Member for Wells (Mr. Heathcoat-Amory). He is not here now, so perhaps I shall refer to it later. In passing, I shall just say that he had all the passion of a convert in paying penance for his role in almost single-handedly achieving parliamentary ratification of the Maastricht treaty while deputy Chief Whip. If he returns to his place later, I shall respond to him in more detail, if time allows.

The first group of amendments represents a systematic attempt by those on the Conservative Benches to undermine, in specific ways, the basic foundations of the single market—foundations that have been accepted by successive British Governments since the UK's accession. Amendment No. 237 is a good illustration of that point. The right hon. Member for Wells celebrated the fact that every market needs rules, which of course, it does. However, that amendment would remove the principle of exclusive EU competence over competition rules for the single market.

As the House will be aware, EU competition rules are an exclusive competence. How could they be otherwise? The Lisbon treaty defines competition rules as rules that are

"necessary for the functioning of the internal market".

In other words, they are EU-wide rules. By definition, only the EU can adopt rules that apply across the EU. That is not new. Competition rules that are necessary for the functioning of the single market have always been an exclusive EU competence. It is important to note that the EU already occupies that well-established competition ground. The core competition rules are contained in articles 81 to 89 of the current treaty and their effect is carried over unchanged.

7.45 pm

Amendment No. 232 attacks the recognition in the Lisbon treaty of the fact that the single market is a shared competence between member states and the EU. It would remove the UK from the operation of the single market, which cannot work except as a shared competence. For the single market to operate effectively throughout all 27 EU member states, it is essential to manage some activities at EU level. Thanks to the shared competence, barriers have been removed throughout the single market, making free movement of goods a reality. That has brought billions of pounds of additional income to UK citizens.

Amendment No. 195 would prevent the UK from effecting the protocol on the internal market and competition. It attacks the legally binding protocol language that the UK secured to reproduce the competition wording from the current treaty, which guarantees that the legal effect is unchanged. The legal nature of a protocol has been the subject of much conversation before today, as well as in today's proceedings. However, 17 protocols were annexed to the treaty of Maastricht. Protocol 11 was a legal guarantee that the UK was not obliged or committed to move to the third stage of economic and monetary union. That was arguably the most important item in the Maastricht treaty for the UK. Claiming that protocols matter less than treaties is therefore nonsense.

The Lisbon treaty states:

"The Protocols and Annexes to this Treaty shall form an integral part thereof."

Former Prime Minister John Major said that the protocols agreed at Maastricht would become an integral part of the treaty of Rome and have equal legal force.

Mr. Cash: We are obliged under the protocol to which the Minister refers to comply with convergence criteria and a range of other matters, which are mentioned in the Red Book that the Chancellor produces every year, and are inimical to this country running its economy. The protocol creates a framework, which, unfortunately, does us no good whatever.

Mr. Murphy: The hon. Gentleman makes a case for the effectiveness of the protocol, not the opposite.

The majority of Conservative Back Benchers who attended this afternoon's debate are members of the Law Society. The Law Society has made it clear that a protocol records that the EU's internal market includes a system that ensures that competition is undistorted. It also says that that does not change the current legal position. Those views were expressed not by some foreign unaccountable entity, about which Conservative Members have spoken, but by the Law Society of England and Wales.

Conservative Members have launched regular tirades against President Sarkozy. Yet he has occasionally described the Lisbon treaty as the British treaty, because the changes that we put in place are so important.

Amendments Nos. 224, 231 and 235 would exclude the provisions in the Lisbon treaty that define a competence on common commercial policy from having an effect in UK law. The EU has had exclusive competence over common commercial policy since the treaty of Rome, and that has brought great benefits to the UK.

Four amendments seek to remove articles and declarations that relate to the reunification of Germany. No Opposition Member saw fit to speak about them, but the Opposition nevertheless tabled them. They are of limited benefit and have consequences only for Germany.

Mr. Cash *rose—*

Mr. Murphy: Unfortunately, I have only two minutes left and I wish to conclude.

The fact is that those amendments have consequence only in respect of Germany and German reunification, although I have no idea whether the Opposition have discussed in detail with their friend Angela Merkel whether she would wish the House of Commons to alter the treaty as it applies to Germany alone.

In the limited time that I have left, let me deal with the points that my hon. Friends raised. They raised specific points about the role of the article 133 committee, which has existed since the treaty of Rome. The committee is not a conspiracy at the heart of the European Union, but my hon. Friend the Member for Elmet (Colin Burgon) raised some important points about European trade policy and the way trade negotiations are conducted. Decisions are ultimately taken not by the committee but by the Council of Ministers. However, my hon. Friend's point is important: we have to have more detailed discussion, and on occasion perhaps even scrutiny of

the workings of that committee or other relevant committees, undertaken by this House and the European Parliament in particular, which has an increased role.

My hon. Friends also raised the issue of health, but were fair enough to acknowledge that the consolidated text makes the matter absolutely clear:

"Union action, which shall complement national policies, shall be directed towards improving public health".

Public health was the important point in that text. The consolidated treaty continues:

"Union action shall respect the responsibilities of...Member States for the definition of their health policy and for the organisation and delivery of health services and medical care. The responsibilities of the Member States shall include the management of health services and medical care and the allocation of the resources assigned to them."

Jon Trickett: Will my hon. Friend therefore agree to veto any Commission directive of the kind that we have seen, should it re-emerge?

Mr. Murphy: There is currently no proposal on the table, but we will look at the detail of any Commission proposal, and that issue will rightly be discussed in the House. I cannot be invited to veto a proposal that does not yet exist, but the text in the Lisbon treaty is very clear and strengthens the language about the autonomy and authority of member states in respect of their health services.

The hon. Member for Rayleigh (Mr. Francois) rightly wants to respond, so to conclude, the amendments in the group would remove the protocol on competition and the provisions on self-employment, EU trade policy and intellectual property, the removal of which, in turn and cumulatively, would undermine the provisions of the single market. I invite my hon. Friends to oppose the amendment.

Mr. Francois: Following your instructions, Mrs. Heal, we will not reprise the debate about the business motion, but I cannot help but observe that yet again, three groups of amendments have not been touched at all. We therefore did not get a chance to discuss social policies, intellectual property, or economic and monetary policy. Again, this is not the line-by-line scrutiny that the Prime Minister promised the House.

The Government have prayed in aid some businesses in defence of their position. I remind the Minister that the Institute of Directors pointed out the strong similarities between the EU constitution and the treaty of Lisbon, and that 90 per cent. of members of the Federation of Small Businesses, which was polled internally because of concerns about the business implications of the treaty, said that they wanted to have a referendum. I put that to all on the Government Benches and to the Liberal Democrats.

The Chairman of the European Scrutiny Committee, who was polite to me, said that we needed the changes in the treaty to promote the single market, but he made a mistake. He said that the Commission had undertaken infraction proceedings against a French utility to break up a monopoly. He is right, but the Commission is doing so under the existing treaty base, so Lisbon is not necessary for that. I need to correct the hon. Gentleman on that.

The Chairman of the Scrutiny Committee also accused me of dwelling in the past, because we have an irritating habit of reading all the Government's failed amendments in the constitution negotiations. We shall continue to do that, so that the British people understand the extent of the volte-face that has been carried out. Indeed, the Government's position this evening has been to criticise us for having the temerity to table an amendment very similar to one that they attempted to press some years ago, but failed. It is rather rich of them to criticise us for trying to put right what they did wrong.

Amendment No. 237 would prevent the Commission from having exclusive competence in the area that we have debated tonight, so that if this House needed to legislate to maintain areas of competition, it could still do so. That seems to me eminently sensible, not least because the Government failed to do it. That is why I shall press the amendment to the vote.

Question put, That the amendment be made:—

The Committee divided: Ayes 135, Noes 336.

Division No. 076] **[7.56 pm**

AYES

Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Bellingham, Mr. Henry
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Field, Mr. Mark
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heathcoat-Amory, rh Mr. David
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howarth, Mr. Gerald
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
McCrea, Dr. William
Miller, Mrs. Maria
Milton, Anne
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Neill, Robert
Ottaway, Richard
Paice, Mr. James

Penning, Mike
Penrose, John
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Robathan, Mr. Andrew
Robertson, Mr. Laurence
Rosindell, Andrew
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Streeter, Mr. Gary
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Dr. Richard
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Mr. Crispin Blunt and
Mr. Richard Benyon

NOES

Abbott, Ms Diane
Ainger, Nick
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, rh Ed
Banks, Gordon
Barrett, John
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, Mr. Jeremy
Bruce, rh Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burstow, Mr. Paul
Burt, Lorely
Byers, rh Mr. Stephen
Cairns, David
Campbell, Mr. Ronnie
Caton, Mr. Martin
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Kenneth
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Crausby, Mr. David
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davey, Mr. Edward
David, Mr. Wayne
Davies, Mr. Dai
Dean, Mrs. Janet
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Etherington, Bill
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gummer, rh Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hillier, Meg
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Hosie, Stewart
Howarth, David
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Keetch, Mr. Paul
Kelly, rh Ruth
Kennedy, rh Mr. Charles
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lhwyd, Mr. Elfyn
Lucas, Ian
Mackinlay, Andrew
MacNeil, Mr. Angus
MacShane, rh Mr. Denis
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis

Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Hara, Mr. Edward
Olner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robertson, Angus
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Dan
Rooney, Mr. Terry
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stunell, Andrew
Taylor, Ms Dari
Taylor, David
Teather, Sarah
Thomas, Mr. Gareth
Thurso, John
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Mr. Neil
Twigg, Derek
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Weir, Mr. Mike
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wishart, Pete
Wood, Mike
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Noes:
Ms Diana R. Johnson and Mr. Sadiq Khan

Question accordingly negatived.

To report progress and ask leave to sit again.—*[Mr. Blizzard.]*

Committee report progress; to sit again tomorrow.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Delegated Legislation Committees).

ROAD TRAFFIC, WALES

That the draft Civil Enforcement of Parking Contraventions (Representations and Appeals) (Wales) Regulations 2008, which were laid before this House on 7th January, be approved.—*[Mr. Blizzard.]*

Question agreed to.

BUSINESS OF THE HOUSE

Ordered,

That, at the sitting on Thursday 21st February, notwithstanding the provisions of Standing Order No. 16 (Proceedings under an Act or on European Union documents), the Speaker shall put the Questions necessary to dispose of proceedings on the Motions in the name of Secretary James Purnell relating to Social Security and Pensions not later than Six o'clock; and proceedings may continue, though opposed, after the moment of interruption.—*[Mr. Blizzard.]*

Post Office Closures (Taunton)

8.7 pm

Mr. Jeremy Browne (Taunton) (LD) *rose*—

Madam Deputy Speaker (Sylvia Heal): Order. Will Members who are not staying for the petition and the Adjournment please leave the Chamber as quickly and quietly as possible?

Mr. Browne: Thank you, Madam Deputy Speaker.

I wish to present a petition about the widespread concern in Somerset about the post office closures proposed for later this month, which will have a major impact on isolated communities, local businesses and vulnerable people, particularly pensioners. The petition reads:

The Petition of residents of Taunton constituency and others,

Declares that the government are proposing to shut 2,500 Post Offices which represents 1-in-5 of the present total. This will hit local communities in Somerset hard.

The Petitioners therefore request that the House of Commons urges the Secretary of State for Business, Enterprise and Regulatory Reform to save our vital Post Offices which offer an essential service to communities across Taunton constituency.

And the Petitioners remain, etc.

[P000119]

Internet (Child Protection)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Blizzard.]*

8.9 pm

Mr. Hugo Swire (East Devon) (Con): Seven or so years ago, a Home Office Minister said in a parliamentary answer on the taskforce for child protection that the,

"aim is to make the United Kingdom (UK) the best and safest place in the world for children to use the internet". *[Official Report,* 4 February 2002; Vol. 379, c. 671W.]

Last year, however, 32 per cent. of children said that they had received unwanted, nasty or sexual comments while on the web. Freedom of information and the unhampered exchange of that information are, of course, at the heart of a free world. What we do not want is Government control of the internet, such as exists in China and elsewhere. The internet is a space for creativity, communication and a fantastic tool for use in education. Too often, any discussion of internet safety leads to the internet being labelled as a bad thing. Clearly, the reverse is the case, but internet users should expect a degree of protection not least from fraud and illegal content, and, for our children, from harmful content.

I start by paying tribute to the impressive work of Dr. Tanya Byron and her Byron review, and I look forward with interest to her recommendations. The Culture, Media and Sport Committee—whose Chairman, my hon. Friend the Member for Maldon and East Chelmsford (Mr. Whittingdale), is present—is about to start taking oral evidence on this issue, and my hon. Friend the Member for Canterbury (Mr. Brazier) has put forward a private Member's Bill to classify video content downloads, in order to help protect children, among other things. So I believe that this subject is topical.

Tonight's debate takes on increasing relevance given the recent spate of suicides in Bridgend. Today, we awoke to the tragic news that there had been a 14th victim. The hon. Member for Bridgend (Mrs. Moon) has raised this in Parliament and has secured an Adjournment debate tomorrow, which I am sure will be well attended.

The Government have the option to make content illegal, as they have with extreme pornography, race hatred and child abuse. The Government also have a role to protect children, and that is what I want to focus on this evening. Schools' hard-pressed IT departments do not have the resources, nor parents the know-how, to protect our children.

Another problem is that eight Government Departments have an interest in internet content: the Department for Culture, Media and Sport, the Home Office, the Ministry of Justice, the Department of Health, the Foreign Office, the Cabinet Office, the Department for Children, Schools and Families and the Department for Business, Enterprise and Regulatory Reform. There is a real lack of ownership within Government of internet content regulation.

The Government can solve that by establishing a lead Department and developing a co-regulatory structure to regulate internet content, bringing together, for example, charities, parents, academics, relevant Government Departments, law enforcement agencies and the industry itself, to decide codes of conduct in grey areas. That could work along the lines of the Advertising Standards Authority or the Press Complaints Commission, and would replace the current piecemeal and knee-jerk codes of conduct and self-regulation; let us call it the "internet standards authority". Harmful content—that is content where cultural, taste and decency judgments have to be made—would come under the internet standards authority remit and could include glorification of violence and terrorism, pornography, cyber-bullying, suicide, internet gambling and anorexia websites, some of which Members might think are worth banning. However, the list is not exhaustive.

The internet standards authority would build a dynamic filter and create a blacklist database which would be updated hourly. Internet service providers would then offer two choices of content, one for adults and one for children. I envisage the child content would be the default, with adult content accessed with a pin code, or some such protective device. South Korea is an example of where that ISP regulatory system has been successfully implemented, and Australia is considering it. Further filtering could continue at the personal computer level "on the fly" which would look for unacceptable terms and images.

Robust internet filtering is a technological area that is fast developing, although it is not there yet, which is why I believe ISPs should take the lead in filtering at the network level. I know the British Standards Institution is developing a kitemark, which is a welcome, if belated, development. Hopefully, technological progress will solve some of the issues that we cannot control now. Webcams and peer-to-peer and encrypted content will always present challenges. I do not intend to predict future technological innovations, but filtering web 2.2 generation content when, for example, eight hours of footage per minute is uploaded on to YouTube, will present challenges.

An internet standards authority would be more responsive to new internet trends and lighter on its feet than Government legislation. Perversely, ISPs are being held back from implementing best efforts to protect customers and children lest they be held liable for overblocking or for harmful content being accessed. A number of ISPs do offer content-filtering for children, such as AOL's KOL Jr. pre-school, KOL ages six to 12 and RED ages 13 to 17, and I welcome that, but ISPs are as concerned as I am about the low take-up of available tools. That is why I believe my opt-out approach has merit. An internet standards authority would have the ability to promote its work and improve transparency while also educating parents and ensuring that children surf responsibly.

Promoting a safer environment and raising awareness—what I describe as soft power improvements—also present challenges and will cost money. Internet playgrounds should be supervised in the same way as parks used to be supervised. We need to empower parents and teachers so they are able to supervise, advise and guide children in exploring the online world.

We need to set up a new co-regulatory structure, an internet standards authority, to fight illegal and harmful content, promote a safer environment and raise awareness. ISPs should deliver an acceptable service for children whereby they would be able safely to access the internet while adults could access all other content through a PIN or similar device. We should

ensure that internet companies that advertise carry responsibility messages, such as those we see on alcohol advertising and cigarette packages. A hotline number in the UK is operated by the excellent Internet Watch Foundation, and it should be displayed. We need to empower parents, teachers and children in respect of their responsibilities and the risks of going online. Finally, any internet-ready platform should be sold with a robust, self-updating, tamper-proof internet filter pre-installed.

Those proposals are not about censorship; they are about creating the regulatory environment to enable our children to surf safely, so that they can expand the horizons of their knowledge. Of course, I do not believe we can remove all risk to children, but we can make this country a safer place in what, at times, seems to be an increasingly dangerous world for our children.

8.17 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Vernon Coaker): I congratulate the hon. Member for East Devon (Mr. Swire) on securing this important debate, and thank him for the measured way in which he put some important points to the House. He made a good contribution to the discussion on this matter. I know that he takes an interest in this subject and is very knowledgeable about it.

I also welcome the attendance of the hon. Member for Maldon and East Chelmsford (Mr. Whittingdale), who is Chair of the Select Committee on Culture, Media and Sport. We all look forward to the work that it is going to do in an incredibly important area. In many respects, as soon as one moves forward in the virtual and internet world, one almost has to move forward again. This evening's debate, albeit short, will play an important part in continuing to raise awareness of this extremely important issue. I look forward to the Committee's inquiry and to the continuing dialogue that the hon. Member for East Devon doubtless wishes to take place. If the hon. Gentleman wishes to come to the Department to talk about these matters, that would be useful—I extend that invitation to all those who wish to participate in such talks.

Mr. John Whittingdale (Maldon and East Chelmsford) (Con): I am grateful to the Minister for his kind words. My hon. Friend the Member for East Devon (Mr. Swire) made the valid point that there are many Departments involved in this issue. It appears that Dr. Byron is taking the lead in setting up her review, and that is being conducted mainly under the Department for Children, Schools and Families, supported by officials from the Department for Culture, Media and Sport, so while I am delighted to see the Minister here this evening, I am slightly puzzled about why the Home Office is responding to the debate. Perhaps he could say something about how all these different Departments will work together.

Mr. Coaker: I will address that issue, but as chair of the Home Secretary's taskforce for child protection on the internet I have worked with officials from many Departments, who come to the meetings and are involved in developing good practice and discussing the various issues. The Department for Children, Schools and Families is a new Department, with a particular emphasis on preventing harm to children and protecting families, and that is one reason why the Byron review is being conducted under that Department. However, I have also met Dr. Byron, and will do so again, to talk about the work that we are doing. I know that she is especially interested in the way that the taskforce has taken the agenda forward. It has brought not only Departments together, but industry and children's charities—those who have an interest in making progress in this area.

Whatever system we set up—and the Committee chaired by the hon. Member for Maldon and East Chelmsford may also consider that—it is important to ensure that the work of Departments is co-ordinated and that we involve industry and stakeholders in the machinery of government. We will see over the next few weeks that that collaboration and co-operation has resulted in significant progress, without any debate about possible legislation.

The hon. Member for East Devon mentioned the terrible events in Bridgend, and my hon. Friend the Member for Bridgend (Mrs. Moon) has a debate on the issue tomorrow. She has already met with various people to discuss those events. I wish to extend my sympathy to the families and all those affected. However, the issues behind the deaths are likely to be very complicated. We are very much aware of some media reports claiming that there is an internet aspect to these incidents, but other reports cast doubt on that. It would be wrong to prejudge the investigations that are already taking place, and we will wish to follow further developments closely.

We also recognise that young people will discuss many difficult issues, including that of suicide, on various websites. That requires very sensitive handling and we need to be wary of preventing them from discussing their thoughts and feelings openly. We are working, through the Home Secretary's taskforce for child protection on the internet, with social networking companies to ensure that there are links to support bodies such as ChildLine and the Samaritans for those who seek support and advice on this issue.

On the very separate matter of what are commonly referred to as suicide websites, the Government have been working with service providers to discourage them from hosting sites that appear to encourage suicide. While the internet remains a fantastic environment for obtaining all sorts of information, there is no doubt that it does have a darker side. Indeed, the Prime Minister has recently shown his concern about the issue of harmful and inappropriate content by setting up the Byron review. The Byron review team has been doing a lot of work to gather views from all stakeholders, and is due to report in March. The Home Office fully supports the review, and looks forward to seeing the final report. I have met with Dr. Byron and her team, as I said, and have been impressed by the work that they are doing—indeed, one member of her team attended the most recent taskforce meeting—and the approach that they are taking in working with all groups to look at the problems in this area.

The internet and mobile technologies have helped to provide children with education, entertainment, and the ability to communicate with their friends. These technologies bring our children new opportunities and lots of fun, but we need to balance that with the risks

[Mr. Coaker]

and worries that parents have about their children accessing inappropriate content.

There is no doubt that most of the time the internet is a safe place, and the Government have encouraged its use in schools and in the home. It therefore rightly falls on Government to help to develop a response to help protect our children and we have been active in that area. Since 2001, the Home Secretary's taskforce has been a very successful method of bringing together Departments, industry, law enforcement and charities to develop measures to help protect children from illegal content and sexual predators in the fast-moving world of technology and the internet.

The taskforce is periodically reviewing its membership and is eager to include all bodies involved in protecting children online. Indeed, cyber-bullying is a relatively new phenomenon and we are looking to widen the range of partners involved in the taskforce in order to look at the issue more closely. I look forward to meeting the Under-Secretary of State for Children, Schools and Families, my hon. Friend the Member for Cardiff, West (Kevin Brennan), to discuss the matter in the near future.

I would welcome further information from the hon. Member for East Devon on the South Korean model that he mentioned. That could be a good focus for the meeting that I suggested. If the hon. Member for Maldon and East Chelmsford wants to come to that meeting, I would be happy to hear in more detail about the points that he has made. I am not averse to learning from other countries. If they have something that might benefit us, we ought to try to learn from that. I will be happy to meet both hon. Gentlemen and to talk to them about that model.

I welcome the support that industry has given to the process, which I believe is an exceptionally useful method for tackling issues effectively and in a collaborative way through self-regulation and without the need for legislation. One of the major pieces of work that the taskforce has recently completed is the definition of a British Standards Institution specification for filtering tools for home users of the internet. Although filtering tools have been around for many years now, concerns have been raised about their effectiveness and their usability.

The new specification will allow the developers of filtering products to test them against the standard designed to protect children and other users from illegal or unsuitable content. That specification has been developed with the BSI, Ofcom and industry and will be launched in the near future. Companies whose products pass the tests will be able to display the child safety online kitemark on their products, allowing members of the public to identify them as having reached that standard. I want to encourage as many companies as possible that offer filtering products to the market to apply for the kitemark once it is launched. I am sure that we all hope that that will happen.

All hon. Members will also be aware that the internet is misused by paedophiles to share and distribute terrible images of children being sexually abused. We also know that adults will use the internet to gain access to children and young people so that they can groom them for sexual abuse. I am sure that we all agree that everything that can be done should be done to prevent the distribution of these images and to protect children from unwanted contact from predatory adults.

The Internet Watch Foundation was funded and formed by the industry in 1996 following agreement between the Government, police and the internet industry that a partnership approach was needed to tackle the distribution of child sexual abuse images on the internet. The IWF operates the only authorised hotline in the UK for the public to report their inadvertent exposure to illegal content on the internet, providing a notice and take-down service to internet service providers in the UK so they can remove potentially illegal content from their servers. The IWF works closely with law enforcement agencies at home and abroad to help them trace offenders.

The IWF estimates that since 2003, less than 1 per cent. of child abuse image websites are hosted in the UK compared to 18 per cent. in 1996. We would all like that figure to be 0 per cent., but that shows considerable progress. In addition, the IWF has developed a service to provide a list of URLs where illegal images are hosted. That list, which has been made available to the industry, enables the sites containing child abuse images to be blocked.

Since 2004, blocking of these sites on consumer broadband in the UK has gone from nothing to 95 per cent., thanks to the work carried out by the industry. The Home Office is working with a number of smaller ISPs to identify ways that they can implement blocking economically. Once that has been done, the number of connections covered by blocking will rise further.

Mr. Whittingdale: The Minister is right that the IWF has done a great deal to tackle the problem of child pornography on the internet, but the "Panorama" programme a few weeks ago exposed the problem of paedophiles posing as young girls to access social networking sites. That enables them to find out information that they are then able post for almost anybody to see. What progress has been made in dealing with that?

Mr. Coaker: One problem is that paedophiles will always try to find a way around our attempts to keep them out. The guidance on social networking that we will publish soon will look at what is good practice for ISPs in tackling that problem, but CEOP—the child exploitation and online protection centre—and other organisations are also taking the law enforcement approach. If the hon. Gentleman has not visited Jim Gamble and CEOP already, he should consider doing so, as that would enable him to see all the different types of work being undertaken. The people involved—police officers, technical experts and others—are very dedicated in their attempts to trap the paedophiles who use the internet in such a horrific way.

The work is hi-tech, because paedophiles who suspect that they have been traced tend to move on. Moreover, they have astonishing technical expertise in using the internet, and that can be countered only by people with matching ability. I am sure that anyone who sees what is being done by CEOP will be as impressed as I have been.

Blocking is not an issue for personal computers only: with more and more children using mobile phones, and

with mobile phone technology growing exponentially, it is imperative that we engage with that part of the industry. All UK mobile phone providers are members of the Home Secretary's taskforce and have actively supported the development of good practice models. They are also members of the IWF and have agreed to block customer access to sites that the IWF has listed as containing illegal images of child abuse.

Mobile telephone operators in the UK have been pioneers in the protection of their child customers. They have shown that they take protecting children from inappropriate content very seriously, and they were the first in the world to publish a self-regulatory content code for mobiles. That requires customers to prove that they are at least 18 years of age before they can get access to adult commercial content.

As chair of the taskforce for child protection on the internet, I know how important it is to ensure that we remain ahead of the game when it comes to protecting children. I am proud of the taskforce's work: it has attracted interest from around the world, with many people asking how it operates. Since its inception, the taskforce has developed good practice guidance for web services, the internet, relay chat, safe searching and moderation services, but we all know that the internet keeps evolving. For example, very few of us had heard of social networking sites 18 months ago, but many millions of people now have profiles or web pages on such sites.

A multi-stakeholder project group from the taskforce has been working on developing good practice guidance for social networking and user interactive services. Leading players in the industry—and especially those involved in providing social networking services—along with CEOP, the child protection charities and others have been involved in, and contributed to, the production of the good practice guidance. I am pleased to say that the document will be launched in the near future, and I should like to ask the hon. Members for East Devon and for Maldon and East Chelmsford to attend that event. I hope that they will be able to accept that invitation.

As most hon. Members will be aware, CEOP was established in April 2006 to tackle the abuse and exploitation of children and young people, particularly from sexual predators who use the internet to distribute illegal images of children and young people, and to gain access to them so that they can be groomed for abuse. Staffed by the police, as well as child protection, education and industry specialists, the centre provides a single online 24-hour-a-day mechanism for reporting those who seek to use the internet to abuse children.

On a point that the hon. Member for East Devon raised, CEOP launched and ran an education programme, which last year reached 1.1 million children and their parents. He made the important point that we must educate not only children, but parents, so that they understand what their children can do on the internet. I am sure he, like me, finds that when he talks to parents, they sometimes have a much more limited understanding of the virtual world than their children do. We all have a big role to play in trying to help parents understand what is possible on the internet, so that they can work with their children to try to protect them, although the state must do its bit, too.

As I say, CEOP works with parents, and it plans to ensure that a further 3.5 million children are reached over the next two years, and that every primary school is provided with free resources. It also runs the thinkuknow website for children, parents and teachers. Since CEOP began operating in April 2006, some 240 offenders have been arrested, three paedophile rings have been smashed, and 138 children have been rescued from harm. That is a major achievement for UK law enforcement, and the creation of CEOP makes it clear that we are determined to protect children in the digital environment.

Today's children are sophisticated users of the internet, and their knowledge of it is ever-evolving, but we should never forget that they are children. Protecting them must therefore continue to be one of our priorities. The fact that the work is about protecting children in our communities can often get lost in all the technology issues. A collaborative approach to tackling the issue is essential if we are to prevent the exploitation of children on the internet. By working together with industry, Government, law enforcement agencies, children's charities and other interested parties, the taskforce has made progress in protecting children online. However, I recognise that there is always more to be done.

I welcome the Byron review, and I welcome the hon. Gentleman's debate. I look forward to meeting him, and perhaps the hon. Member for Maldon and East Chelmsford, to discuss the subject, and in particular the Korean model that the hon. Member for East Devon presented to us. We can discuss that and many other matters, while we all pursue our common goal of doing all that we can to protect our children on the internet.

Question put and agreed to.

Adjourned accordingly at twenty-three minutes to Nine o'clock.

Deferred Division

LOCAL GOVERNMENT

That the draft Wiltshire (Structural Change) Order 2008, which was laid before this House on 8th January, be approved.

The House divided: Ayes 269, Noes 158.

Division No. 73]

AYES

Ainger, Nick
Alexander, Danny
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Berry, Roger
Betts, Mr. Clive
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Byers, rh Mr. Stephen
Cable, Dr. Vincent
Cairns, David
Campbell, Mr. Ronnie
Caton, Mr. Martin
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, rh Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Etherington, Bill
Farrelly, Paul
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Henderson, Mr. Doug
Hendrick, Mr. Mark
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Riordan, Mrs. Linda
Robertson, John
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Tami, Mark
Taylor, Ms Dari
Taylor, David
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Mr. Neil
Twigg, Derek
Vaz, rh Keith
Vis, Dr. Rudi
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan

Williams, Mrs. Betty
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Wright, David
Wright, Mr. Iain
Wyatt, Derek

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Bellingham, Mr. Henry
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Cameron, rh Mr. David
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Donaldson, rh Mr. Jeffrey M.
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Alan
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Field, Mr. Mark
Fox, Dr. Liam
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodwill, Mr. Robert
Gove, Michael
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hollobone, Mr. Philip
Horam, Mr. John
Hunt, Mr. Jeremy
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Main, Anne
Malins, Mr. Humfrey
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Scott, Mr. Lee
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Streeter, Mr. Gary
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Question accordingly agreed to.

House of Commons

Thursday 7 February 2008

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

PRIVATE BUSINESS

BROADS AUTHORITY BILL

Order for Third Reading read.

To be read a Third time on Thursday 21 February.

Oral Answers to Questions

CHURCH COMMISSIONERS

The hon. Member for Middlesbrough, representing the Church Commissioners, was asked—

Parsonage Houses

1. **Robert Key** (Salisbury) (Con): With reference to the Ecclesiastical Offices (Terms of Service) Measure, for what reason the ownership of a parsonage house is being removed from incumbents and vested in the diocese. [185162]

The Second Church Estates Commissioner (Sir Stuart Bell): Good morning, Mr. Speaker. The proposal, which recognises that housing is an important element in the terms of service of office holders, seeks the provision of appropriate accommodation and the establishment of a consistent framework to govern the relationship between housing providers and office holders.

Robert Key: Will the Church Commissioners listen carefully to the concerns of the diocesan synods and the meeting of the Church of England General Synod next week about this transfer of £4 billion of property from the parishes to the dioceses? The current legal vehicle, the corporation sole, ensures unencumbered continuity of these properties from generation to generation. The new trust will not do that. Will the hon. Gentleman assure me that the commissioners will look carefully to see that the property vested in the new parsonage boards of the dioceses will be as safe and inviolable as it is under the current legal arrangements?

Sir Stuart Bell: I can assure the hon. Gentleman that we shall listen very carefully to the views of the General Synod next week. As he will know, "Render unto Caesar that which belongs to Caesar". To reverse the role, we must render unto the General Synod that which belongs to the General Synod. It will meet next week to discuss the matter. There are differences of views, but the hon. Gentleman, who is a member of the Synod, will be able to participate in those proceedings as well as the proceedings here.

David Taylor (North-West Leicestershire) (Lab/Co-op): A large proportion of parsonage houses were endowed locally. Land was given by a local landowner, and the houses were often built by a local individual after a fundraising effort on a grand scale. Why should we interfere with arrangements that have worked well for many years? We are transferring the title to the diocesan body, which will undoubtedly have a significantly different agenda of its own—different from that of the local community.

Sir Stuart Bell: In order to enlighten my hon. Friend and the House on what will be proposed and debated at the Synod next week, I can tell him that the primary aim of the legislation is to improve the security of the clergy by giving them rights equivalent to those enjoyed by employees under the Employment Relations Act 1999. As I said, the General Synod will consider that significant piece of legislation next week, and we await the outcome of its considerations.

Mr. Richard Benyon (Newbury) (Con): I refer hon. Members to my entry in the Register of Members' Interests. I would like to follow up a point made by the hon. Member for North-West Leicestershire (David Taylor). Many parsonage homes were endowed locally for the furtherance of the Church's work locally. This centralising measure will take power away from benefices and give it to diocesan boards of finance. Will the hon. Gentleman representing the Church Commissioners convey the serious concern that exists among a great many people throughout the country about this centralising measure?

Sir Stuart Bell: I welcome the hon. Gentleman to these question sessions, and I also welcome the pertinence of his question. Clearly, the matter he raises preoccupies Members of the House. The General Synod will be aware of that when it meets next week, and I have no doubt that the views expressed here will be taken into account in its debates.

ELECTORAL COMMISSION COMMITTEE

The hon. Member for Gosport, representing the Speaker's Committee on the Electoral Commission, was asked—

Democratic Process (Public Participation)

2. **John Robertson** (Glasgow, North-West) (Lab): What additional measures the Electoral Commission has considered to increase public participation in the democratic process. [185163]

Peter Viggers (Gosport): The Electoral Commission undertakes a range of activities to ensure people understand how to register and how to vote. Additionally, the commission is launching a campaign with London Elects to provide information about the London election on 1 May, and an information campaign for the English and Welsh local elections on the same day.

John Robertson: I thank the hon. Gentleman for his answer. He will know that in last year's local elections, an attempt was made to increase voting through voting by phone. Unfortunately, a report came out in which the commissioners said that such schemes had a negligible effect on turnout. Will he explain why that was, what lessons were learned from that experience, and how they are going to take the process forward in the London elections this year?

Peter Viggers: The hon. Gentleman makes a detailed point and I would like, if I may, to investigate the matter. I undertake to write to him about it.

On the more general point, other bodies undertake work to increase turnout and the commission has significantly refocused its public awareness activity on providing information about registration, elections and democratic institutions. Indeed, it is another main thrust of the Electoral Commission's work. Of course, it is still much involved in promoting registration and voting.

Mrs. Ann Cryer (Keighley) (Lab): Will the hon. Gentleman comment on the number of local authorities that do a reasonable canvass of their areas to get more people on to the register? Little of that appears to be going on in the Bradford district. It is terribly important in Bradford because approximately 50 per cent. of the Asian community do not speak English and are illiterate. It would be a great help in my constituency if we had a really good canvass to get more people on to the register.

Peter Viggers: Yes, the commission works closely with local authorities throughout the United Kingdom to support and advise them on voter awareness activities. The commission provides voter information materials free of charge and runs training sessions with electoral registration officers. Support is also available via a dedicated website. In the past year, more than 2 million voter information leaflets and resources have been ordered by electoral administrators to encourage registration and understanding of the democratic process.

On the hon. Lady's specific point, the Electoral Commission is vigilant in trying to ensure that a range of information and materials is available in different languages.

Mr. David Heath (Somerton and Frome) (LD): As a non-conformist, I feel on rather safer ground with the Electoral Commission than I do with the Church Commissioners.

The hon. Gentleman knows that there has been much debate about refocusing the Electoral Commission's work and tilting the balance towards regularity and probity in electoral matters. He knows that we are anticipating early legislation on the matter. What discussions has he held with the Lord Chancellor in advance of that legislation to ensure that the Electoral Commission can greatly expand its work and thus make sure that our elections are held fairly and properly?

Peter Viggers: I think the best answer I can give is that, although, on behalf of the Speaker's Committee, I do not personally become involved in negotiations and discussions with different Departments, it has occasionally been suggested that it would be appropriate for the House to deliberate on Electoral Commission issues. I instituted one debate, which was allowed by the Liaison Committee, on the subject, and perhaps it would be helpful for hon. Members to have an opportunity soon to discuss Electoral Commission issues. Indeed, given that we are seeking a new chairman for the commission, that would be very appropriate. Perhaps the hon. Gentleman agrees that a general discussion in the House might be useful.

Peter Luff (Mid-Worcestershire) (Con): Hon. Members have repeatedly referred to voter registration as a key matter. Surely, we need, first and foremost, to heed the advice that the Electoral Commission has already given us and enact legislation on individual voter registration as a matter of urgency.

Peter Viggers: Indeed, since 2003, the Electoral Commission has urged that individual voter registration should be introduced. The subject causes the commission some concern because there is an opportunity in the current system for the head of a household, or the person who receives the mail, to deal with electoral registration as he thinks fit. Of course, in most cases, that is done with propriety, but there is an opportunity for corruption and for the head of a household to overlook the duty. The Electoral Commission has urged the introduction of individual registration.

Sir Peter Soulsby (Leicester, South) (Lab): With respect to the hon. Gentleman, I do not think that he replied adequately to the question of my hon. Friend the Member for Keighley (Mrs. Cryer). She made the point that the extent of under-registration in several areas can genuinely be addressed only by door-to-door canvassing. She asked what steps the commission was taking to ensure that such canvassing, which happens in many places, is adopted universally.

Peter Viggers: The Electoral Commission informs me that its advertising campaigns for the 2007 elections involved activity targeted at under-registered black, Chinese and Polish communities and included radio, press, outdoor and online advertising. The Electoral Commission has also undertaken special work to encourage students to register. It has been especially vigilant in trying to ensure that younger people and students are aware of their opportunity to register and vote.

Overseas Voters

3. **Mr. Nigel Evans** (Ribble Valley) (Con): What estimate the Electoral Commission has made of the number of eligible UK voters who live abroad but have not registered to vote. [185164]

Peter Viggers: Recent research suggests that the total number of British people who live abroad for a year or more may be approximately 5.5 million. Only British citizens who have registered to vote in the United Kingdom in the past 15 years are eligible to register while living abroad. There is no effective way of measuring that number.

Mr. Evans: One can only imagine why so many Brits want to live abroad. Of the many millions that my hon. Friend mentioned, only 13,000 are registered to vote in general elections. That is a low figure. The amount of money that the Electoral Commission spends on promoting voting abroad is £12,000. Is not that figure far too small? Should not it be greater and be properly focused to try to attract those who are eligible to register and vote?

Peter Viggers: The Electoral Commission ran a campaign last autumn at a cost of about £100,000, which was more than twice as much as was spent in advance of the previous general election. The problem, of course, is identifying the market. The number of people is extremely large, but the number registered is extremely small, as my hon. Friend pointed out. The most recent campaign to reach British citizens living abroad included online advertising, public relations activity, mailing to British people living overseas and the distribution of information via British embassies and high commissions.

The Electoral Commission is also proposing to convene a seminar later this year with political parties to discuss ways of improving registration levels among overseas residents. How good it would be if we could learn something from the American elections. I understand that it is estimated that many thousands of American citizens living in London are exercising their right to vote. I have been advised to be cautious about quoting those numbers, but it would be nice to think that lessons could be learned from that campaign.

Mr. Bill Olner (Nuneaton) (Lab): One of the problems with the votes in the American presidential elections is that they sometimes arrive far too late to be counted, but that is another matter. I agree with the hon. Member for Ribble Valley (Mr. Evans) that the number of people voting among those living abroad who are eligible to vote is woefully low. I wonder whether the electoral registration officers, who play such an important role in getting our registers up to date, have a role in attracting people who live overseas to register to vote.

Peter Viggers: The hon. Gentleman makes an extremely good point. There are three parties involved. The first is the Electoral Commission, which takes the view that it would not be proportionate for it to devote very large amounts of resources to overseas voters, because of the difficulties of reaching them. The second is the electoral registration officers and I am grateful to the hon. Gentleman for making a valid point about them. I will discuss with the Electoral Commission what further can be done to enable them to fulfil their duties in that regard. The third is the political parties. The Electoral Commission takes the view that it is primarily the responsibility of the political parties to seek to encourage overseas citizens to register and vote in UK elections.

Miss Julie Kirkbride (Bromsgrove) (Con): Does the Electoral Commission have a view on whether UK citizens living abroad have been deterred from bothering to register to vote by the Government's decision to cut the qualifying period during which people who have left the UK can participate in general elections?

Peter Viggers: This is of course a controversial issue. Parliament has taken the view that residents who have lived overseas for 15 years or less after their period of registration in the United Kingdom should vote. It has been suggested that that period should be lengthened or even shortened. My hon. Friend makes a fair point, although it would not be appropriate for me to express an opinion.

Tony Lloyd (Manchester, Central) (Lab): Does the hon. Gentleman recognise that many of my constituents would regard spending resources that could be better used to increase registration among those who live in the United Kingdom as a gross waste of money? I have nothing against those who live abroad, but they often pay no taxes and break the connection. I would far sooner encourage UK residents to vote than those living overseas.

Peter Viggers: The Electoral Commission spends less than 2 per cent. of its budget on exhorting overseas residents to register and vote. The commission believes that to be a proportionate amount, but the hon. Gentleman's point will of course be noted.

CHURCH COMMISSIONERS

The hon. Member for Middlesbrough, representing the Church Commissioners, was asked—

Women Bishops

5. **Sir Nicholas Winterton** (Macclesfield) (Con): If he will make a statement on the consultation process in relation to women bishops in the Church of England. [185166]

The Second Church Estates Commissioner (Sir Stuart Bell): A legislative drafting group, chaired by the Bishop of Manchester, having received more than 300 representations from across the Church, is now preparing a report for discussion at the General Synod, hopefully in July.

Sir Nicholas Winterton: Is the hon. Gentleman concerned that an inadequate consultation opportunity has been given to the Third Province Movement, whose membership includes a significant number of clergy and laity? Will he please ensure an opportunity for the widest possible consultation on the women bishops' proposal, particularly with those who have prominent and active leadership roles in the Church?

Sir Stuart Bell: The hon. Gentleman will know that the legislative drafting group has met a number of consultees representing a wide cross-section of views. The drafting group's challenging task is to identify possible arrangements for those who may be conscientiously unable to receive the ministry of women bishops. We should hesitate to be critical of those who are trying to preserve the Church of England as a broad church that

gladly encompasses such differences. By way of teasing the hon. Gentleman, I shall use a phrase from the European Union: within the Church, there may be unity in diversity.

Vicarages/Rectories

6. **Mr. Hugo Swire** (East Devon) (Con): How many listed vicarages and rectories the Church of England has sold in the last 10 years. [185167]

Sir Stuart Bell: The information that the hon. Gentleman requests is not held centrally. However, since 2001, dioceses have been free to sell parsonages without any reference to the commissioners, so long as there are no objections, the sale meets standard criteria and the property is sold at full value.

Mr. Swire: I am most grateful to the hon. Gentleman. I share the general nervousness of other hon. Members about the centralisation of the Church estate, and I hope that he will make those views known to the Synod. Of course I understand the problems of merging parishes, which can, in some areas, leave too many vicarages or houses tied to the Church. Will he also convey to the Synod the feeling, particularly in rural areas, that the temptation to sell off desirable houses and to separate the rectory or vicarage from the church in order to make a quick cash gain can have long-term negative implications for the local community?

Sir Stuart Bell: The hon. Gentleman puts his finger on one of the problems of our era. How can the Church deal with the changing nature of our society in relation to the location of our parsonages and churches? The points that he has raised, which are related to other points raised today, will be taken into account by the Synod and by the Church generally.

Solicitor-General

The Solicitor-General was asked—

Crown Prosecution Service

12. **Mr. David Kidney** (Stafford) (Lab): What assessment she has made of the performance of the Crown Prosecution Service in presenting victim impact statements to courts at sentencing. [185154]

The Solicitor-General (Vera Baird): The Crown Prosecution Service has not conducted detailed assessments of its performance, but Law Officers and the CPS recognise that victim personal statements can have real value in providing victims of crime with a chance to tell a court about the impact that a crime has had on them. Under the CPS's victim focus scheme, prosecutors play a key role in helping bereaved families to make a victim personal statement.

Mr. Kidney: It is great that a Labour Government whom I support and a Parliament in which I serve has acted decisively to put the rights of victims at the heart of the criminal justice system. How confident can my hon. and learned Friend be, however, that the component parts of the criminal justice system now have sufficiently robust systems in place to assure victims of the exercise of their rights? In respect of the Crown Prosecution Service in particular, is she satisfied that there is adequate guidance and training for members of staff to enable them to carry out their duties to the best of their abilities?

The Solicitor-General: I echo what my hon. Friend has said. It is a very important step indeed to put the victim at the centre of the criminal justice service, as it is now called. It is no longer a system; it now recognises itself to be a service, intended to provide people with the opportunity to tell a court concrete facts such as the effect that bail might have, and to give them the chance to express the way in which a crime has impacted on them.

It is important that we learn as we go along, and that there is a lot of input from victims themselves into the way we develop the system. I am confident that the Crown Prosecution Service guidance is good and strong, and that there is a huge commitment from the individual officials at the CPS to make this scheme work. I do not doubt that there is learning still to be done, but these measures are capable of giving victims more satisfaction from the criminal justice system than they have had in the past.

Simon Hughes (North Southwark and Bermondsey) (LD): Can the Solicitor-General confirm that it is now routine that, in every case, the victim is offered the opportunity to make a victim impact statement? Will she confirm that, in tragic cases of homicide, someone is able to give a statement to the court on behalf of the victim's family before sentencing?

The Solicitor-General: Yes, it certainly should always be the case that there is an opportunity to make a victim personal statement. The victim care unit, the Crown Prosecution Service and the police working together have made that process more secure. There are two schemes: the victim advocate scheme and the victim focus scheme for bereaved people. The victim focus scheme is run by the CPS and it has been rolled out nationally even while the victim advocate scheme, which was the pilot for bereaved families, is being assessed. The CPS feels that it has been such a beneficial scheme that it should be rolled out without further delay. The focus scheme gets the CPS to help a bereaved family to make just such a statement, but it is usually read by the prosecutor or simply read by the judge and referred to by the prosecutor. My understanding is that judges adjourn in order to make the point to the bereaved that they are reading and digesting what is in the statement.

Tony Lloyd (Manchester, Central) (Lab): I also share the enthusiasm of my hon. Friend the Member for Stafford (Mr. Kidney) and, indeed, of the Solicitor-General for the victim impact statement process. There is a pilot in Manchester Crown court and I know that it is being well received there. Will my hon. and learned Friend go a little further today in saying how we can ensure that best practice is taken forward, as the court process is still intimidating, particularly when the victims themselves may be bereaved? The assistance

that she described is extremely helpful, but how can we ensure that best practice is translated and spread across the whole service?

The Solicitor-General: I think we can say that we can do that. I am very grateful to my hon. Friend, whose area has seen a pilot of this advocate scheme, which has, I think, been well regarded. The assistance given by the CPS is not just to make a statement. It applies to bereaved families and to all kinds of bereavement caused through crime, including through road traffic crime. The CPS will meet the family beforehand and explain the whole process to them. One hopes that the inevitably daunting experience of attending court is alleviated a little by that exposure.

Crown Prosecution Service

13. **Philip Davies** (Shipley) (Con): What assessment the Crown Prosecution Service has made of the effectiveness of the system for presenting objections to bail. [185155]

The Solicitor-General: The Crown Prosecution Service has not done a discrete assessment of the effectiveness of the system for presenting objections to bail. Police concerns about granting bail to the accused are reviewed objectively by prosecutors against the Bail Act criteria. Her Majesty's Crown Prosecution Service inspectorate periodically reviews CPS systems generally and has not identified any inherent weaknesses in performance.

Philip Davies: I am surprised at the Solicitor-General's response as in recent weeks we have seen an increasing number of dangerous people released on bail and going on to commit even more horrendous crimes. The police are sick to the back teeth of arresting the same people week after week who abuse the bail system and breach bail conditions, yet nothing ever seems to happen. What is the Solicitor-General going to do to deal with this abuse of bail and end her complacent approach, which we also saw in her earlier answer?

The Solicitor-General: There is nothing complacent about the Crown Prosecution Service or my approach to the issue of bail. In all the cases that have hit the headlines—I am not going to talk about the defendant called Swellings, because he has not yet been sentenced—the CPS opposed bail robustly, repeatedly and at length. The law in the UK is that a person is not guilty on the basis of an accusation, but only when they have been proven guilty before a jury. Until that time, they are emtitled to bail. When public safety or justice requires it, of course the CPS resolutely objects to bail. We also have an independent judiciary in this country and we are very proud and pleased that we do, and the judiciary takes the decision as between public protection and the right of an unconvicted defendant. It cannot predict the future and cannot read minds, but it makes good rational judgments on a sensible basis. That is what has happened in all those cases.

Let me make the following very clear to the hon. Gentleman. My right hon. Friend the Lord Chancellor —and the Ministry of Justice—has said that when the dust on those cases has settled, as it were, and if any issues are raised that require changes in the law, he will look to see whether they are necessary. I have no hesitation in saying, however, that the CPS tries very hard—

Mr. Speaker: Order. I must stop the Solicitor-General.

Keith Vaz (Leicester, East) (Lab): But the points raised by the hon. Member for Shipley (Philip Davies) need to be examined. Should the Solicitor-General not meet the Home Secretary and the Lord Chancellor to establish what further steps could be taken to analyse the results of the granting of bail? I think that is all that the House is asking. Let us look at what has happened, let us look at the impact on resources, and let us see whether any lessons can be learned from the procedure.

The Solicitor-General: As ever, my right hon. Friend has made a sensible suggestion. I meet the other two Justice Ministers frequently, as does my noble Friend the Attorney-General. As I have said, the Lord Chancellor is taking the lead on the issue, and I have no doubt that he will consult both the Attorney-General and the Home Secretary on any proposals that he concludes, having consulted us, are necessary following the changes that have taken place. However, as I have also said, the system is as it is.

David Howarth (Cambridge) (LD): I hope the Solicitor-General agrees that whatever changes are made, she should return to her original statement that the right to bail follows logically and inevitably from the presumption of innocence: the rule that we are all innocent until proven guilty. I hope she can assure us that the Government have no intention of following the route followed even in progressive countries such as Canada, where two thirds of prisoners are on remand, towards almost automatic remand for those accused of criminal offences.

The Solicitor-General: I think I have made the position very clear. Indeed, I have been criticised for making it extremely clear. The position is, as the hon. Gentleman says, that a person is presumed innocent until a jury decides that he is guilty, or he himself pleads guilty. At each stage, people are entitled to bail unless the public need to be protected from them, or there is a danger that they will interfere with witnesses or not turn up in court. Those criteria have served us well for 30 years. The cases that have been mentioned have caused us to look at the issue again, but that is all that we are doing—looking at it again.

Mr. Dominic Grieve (Beaconsfield) (Con): As the Solicitor-General will know, some of the cases that have caused public concern relate to the grant of bail by the Crown court. Others appear to relate to the grant of bail by the magistrates court. The power exists, and has existed for some time, for the Crown Prosecution Service to appeal to the Crown court against a mistaken grant of bail. Can the Solicitor-General assure us that the position will be investigated to establish whether there are cases in which, far from robustly opposing the grant of bail initially, the Crown Prosecution Service ought to consider appealing from the magistrates courts if bail has been granted?

The Solicitor-General: Yes. As the hon. Gentleman says, none of the cases that have given rise to concern are in the category of magistrates court cases on which an appeal could have been made. In all those cases, the decisions were made by senior and experienced judges in the Crown court. I am not aware of any anxiety about a failure to appeal against grant of bail in the magistrates court if the Crown Prosecution Service is apprised of the need to do so, but I take the hon. Gentleman's point, and I have no doubt that it can be addressed as part of the overall issue.

Terrorists (Detention)

14. **Andrew Mackinlay** (Thurrock) (Lab): What representations the Attorney- General has received on the merits of detaining terrorist suspects for a limited period without charge. [185156]

The Solicitor-General: The Attorney-General has discussed the issue with the Director of Public Prosecutions, and she has received representations from one pressure group.

Andrew Mackinlay: I wonder whether the Solicitor-General could help a bewildered Back Bencher. Has she observed that the former Attorney-General has said that there is no case for keeping people in custody without charge for more than 28 days, and that that view has been echoed by her former ministerial friend Lord Falconer—the former Lord Chancellor—and, more important, by the existing Director of Public Prosecutions? Have all three of those learned gentlemen gone completely gaga, or are they telling us the naked truth?

The Solicitor-General: I have never seen any of them either gaga or naked. It seems that all the assertions have been that we do not need that change now, but it equally seems that everyone has agreed that it is very possible that an extension beyond 28 days will be needed before very long. The proposal is to legislate to provide an opportunity to extend the period if necessary.

I want to make it very clear that there appears to be agreement across parties, as my right hon. Friend the Prime Minister said yesterday. The issue is how this is done. In my view, the important thing is to have it under judicial control. This proposal would do that: it would put detention not into the hands of the Crown Prosecution Service or the police, but under judicial control, which is where it properly should be.

WOMEN AND EQUALITY

The Minister for Women and Equality was asked—

Discrimination

20. **Mr. Jim Cunningham** (Coventry, South) (Lab): What recent steps the Government have taken to reduce discrimination against women in the workplace. [185134]

The Minister for Women and Equality (Ms Harriet Harman): Most women now work, and women now have equal educational qualifications to men, but women are still not equal at work. We have helped women in the workplace by tackling low pay, a problem that mostly affects women, through the national minimum wage and tax credits, and we have helped to balance work and family, a requirement which also mostly affects women, through better maternity pay and leave and flexible working, but there is more to do.

Mr. Cunningham: I thank my right hon. and learned Friend for that answer, and I recognise that the Government have done a lot to combat discrimination against women, but is she aware that women sometimes still have to go to court to get equal pay? Can we do something about that?

Ms Harman: We need to do more in respect of equal pay in the public and private sectors, and in local government. In that connection, my hon. Friend the Minister for Local Government has announced £500 million for capitalisation, to help local government on equal pay. We need fair pay and good local public services, and we can achieve both.

Mr. Mark Harper (Forest of Dean) (Con): The Minister for equalities will know that in the process of reducing discrimination against women it is important that the Government Equalities Office take a leading role. Can she tell the House when she will be able to appoint a permanent secretary?

Ms Harman: What matters is that we get on with doing the job. My fellow Ministers and I are getting on with the work, and we are properly supported by our equality unit—and, actually, a new appointment has just been made.

Lynne Featherstone (Hornsey and Wood Green) (LD): I wonder whether the right hon. and learned Lady shares the concern I felt when I saw that the 10 most recently appointed judges announced by the new Judicial Appointments Commission were all men, and white men at that. Will she make urgent representations to the Secretary of State for Justice to look into why the new rules did not deliver the intended outcome?

Ms Harman: This issue has been raised previously by Members not only in respect of judicial appointments, but public appointments in general. As I have told the House before, we all think it is unacceptable that there has been no increase in women's appointments to public office in the past 10 years. The independence of the Judicial Appointments Commission, and its target for increasing the number of women at the top level of the judiciary, has yet to bear fruit. I expect to meet the heads of the JAC and the Appointments Commission to see what further can be done soon.

Mrs. Theresa May (Maidenhead) (Con): As has already been said, one continuing form of discrimination against women in the workplace is the gender pay gap. Last night at the Fawcett Society reception to celebrate 90 years of women's suffrage, the right hon. and learned Lady reiterated her desire to do something about that, but also confirmed that we will not have an equalities

Bill until the next Queen's Speech. The Government could act now on the gender pay gap by adopting my proposals. Why will she not do that?

Ms Harman: We will have an equality Bill in the next Queen's Speech; that is when it was scheduled for. We want it to be a radical and effective Bill that makes a difference. I remind the right hon. Lady that Labour women have struggled over the decades to make a difference for women in this country, and that Conservative women have simply sided with Conservative men against that aim.

Women's Suffrage

22. **Lynda Waltho** (Stourbridge) (Lab): What plans the Government have to mark the 90th anniversary of women's suffrage. [185136]

The Minister for Equality (Barbara Follett): The Ministers for women hosted a reception with the Fawcett Society on 6 February to mark the 90th anniversary of women's qualified suffrage. The event brought together about 200 parliamentarians, including the right hon. Member for Maidenhead (Mrs. May), and stakeholders from a wide range of sectors to celebrate the achievement of women's suffrage and to highlight the need for a more representative democracy. I was pleased that the Prime Minister said yesterday that the Government would consider erecting a statue in Parliament square to honour the suffragette movement; that would be the first statue of a woman in Parliament square.

Lynda Waltho: I thank my hon. Friend for that answer. Despite all the progress, there are still only 97 Labour, 17 Conservative and 9 Liberal Democrat women MPs, and the Fawcett Society estimates that it will take at least 200 years to get anywhere close to having 50:50 representation. All-women shortlists have helped in our case, but those provisions contains a sunset clause and are due to end. What more can we do to ensure that we get closer to having 50:50 representation in my lifetime, rather than in the lifetime of my great-granddaughters?

Barbara Follett: I thank my hon. Friend for that question and for her work in this vital matter. There is no doubt that the 98 Labour women MPs vastly outnumber the women on the Opposition Benches. I would like to see more on the Opposition Benches—*[Interruption.]* I said more, not enough, and that means some of the men have to move off those Benches. *[Interruption.]* There is no point in getting into an argument about that. We need the Opposition parties to take the issue seriously and to put their votes where their mouths are. We will—

Mr. Speaker: Order. I want to call some more lady Members. Fiona Mactaggart.

Fiona Mactaggart (Slough) (Lab): There is an area of public life where women's representation is even worse than it is in Parliament—local government. Following the Councillors Commission report, have the Ministers responsible for women and equality had any conversations with their colleagues in the Department for Communities and Local Government about what action will be taken to promote more women councillors, given that every piece of evidence shows that they are the most effective councillors in representing their communities?

Barbara Follett: This matter is very close to the Government's heart. We are doing what we can to increase the number of women councillors, in particular the number of black and Asian women councillors. We hosted the largest annual gathering in the Houses of Parliament for regional black and Asian ethnic minority women, which focused on the need for more women from different communities to become councillors; the Women Take Part campaign, which was launched by Ministers in October, is working on the same issue; and the Prime Minister has launched the National Muslim Women's Advisory Group. We are trying to ensure that more women come through in local government, because that is the seedcorn for Parliament.

Human Trafficking

23. **Mrs. Sharon Hodgson** (Gateshead, East and Washington, West) (Lab): What steps the Government are taking to deter advertising in local newspapers linked to the trafficking of girls and women for sex. [185137]

The Minister for Equality (Barbara Follett): Last week, the Government published "Women Not for Sale", which examined the prevalence of this type of advertisement in local newspapers in England on one day last October. Following constructive meetings with representatives from the newspaper and advertising industries, the Newspaper Society has agreed to draw up tougher guidance on advertising for local newspapers.

Mrs. Hodgson: I thank my hon. Friend for that answer. I wonder what plans the Government have to tackle the demand side of prostitution, given its links to the trafficking of girls and women for sex.

Barbara Follett: The Government believe that tackling the demand side is vital in fighting trafficking, as highlighted in the UK action plan that we published in March 2007. I visited Sweden with other Ministers to see how its legislation is tackling demand. Although we do not anticipate reviewing legislation, we are examining ways in which we can reduce demand.

Rape Crisis Centres

24. **Angela Watkinson** (Upminster) (Con): What funding the Government are providing for rape crisis centres in the next two financial years. [185138]

The Minister for Equality (Barbara Follett): The Government recognise the vital role played by voluntary and community sector rape crisis centres. Decisions on the victims' fund and funding for independent sexual violence advisers for the coming financial year will be announced by the relevant Departments in the near future.

Angela Watkinson: I thank the Minister for her reply and hope that we can conclude that there is some optimism about future funding. She will know that the

reporting of violent sexual offences compounds the trauma that victims have already experienced, and it is extremely important that facilities are there to make it as easy as possible for victims. Of course, the police cannot take action unless the crime is reported. Will she take that on board when she is considering funding so that we can ensure that rape crisis centres have the funding to continue?

Barbara Follett: I thank the hon. Lady for those remarks, which I take on board. I am visiting rape crisis centres at present and we recognise that they face significant financial challenges. I would like to underline the fact that there has been no reduction in Government funding for sexual violence support services. This year, the Government will invest £3 million in support for victims of such crimes, including more than £1 million for rape crisis centres. We are core funding Rape Crisis England and Wales and the Survivors Trust. We are working with rape crisis centres to do what we can to ensure that they get the necessary funding.

Female Entrepreneurs

25. **Mr. Henry Bellingham** (North-West Norfolk) (Con): What steps she is taking to encourage female entrepreneurs. [185139]

The Minister for Equality (Barbara Follett): Women's entrepreneurship is a significant strand of enterprise development. The Government have established the taskforce on women's enterprise to accelerate the levels of female entrepreneurship. We are also committed to working with key partners, such as regional development agencies, to support further development of women's entrepreneurship. That includes a national network of 1,000 women's enterprise ambassadors.

Mr. Bellingham: I am grateful to the Minister for that reply. Would she agree that one measure that would do untold damage to the cause of female entrepreneurship would be the implementation of the EU agency workers directive? Can she confirm that it is still her Government's intention to resist the directive?

Barbara Follett: That would not be its effect, and we do need to have protection for migrant workers.

Child Care

27. **Tony Lloyd** (Manchester, Central) (Lab): If she will collate and publish information on access to nursery facilities as a means of encouraging women into work. [185141]

Hon. Members: Intermission!

The Minister for Equality (Barbara Follett): I apologise to everyone for the delay in answering.

We are supporting women who return to work by ensuring that they have access to good quality child care. The Government are working with local authorities and stakeholders to implement practical ways of increasing access to formal child care that will bring positive benefits to children and families. We have placed a new duty on local authorities in England to collate and publish information on child care sufficiency by March.

Tony Lloyd: My hon. Friend's answer was worth waiting for. *[Interruption.]* The House is very slow this morning, Mr. Speaker. The need to collate information is absolutely vital in this area. We now know that among the biggest barriers to women returning to work is the lack of affordable and available child care. We also know that child care provision is patchy across the country, particularly in areas with Conservative councils. When the information is collated, will it be possible to bring some pressure to bear on the local authorities in areas of under-provision to ensure that women are given a proper chance to get back into work?

Barbara Follett: I thank my hon. Friend for his courtesy and apologise for my slowness. I congratulate Manchester City council on its work in that respect, which has helped many more women to get into work. The Government are providing substantial help, totalling £18.5 million a day, for working families through the working tax credit. We provide £3 million a day to help working families with 80 per cent. of their child care costs. A lot is being done and we hope to do a lot more. I hope that the relevant figures will be made available to my hon. Friend and to other hon. Members so that they can ensure that their constituents get the child care they need and deserve.

LEADER OF THE HOUSE

The Leader of the House was asked

Topical Debates

30. **Mr. Andrew Mackay** (Bracknell) (Con): What assessment she has made of the effectiveness of topical debates. [185144]

The Leader of the House of Commons (Ms Harriet Harman): I have issued a written ministerial statement today setting out a timetable for a review of topical debates and setting up a procedure for publishing subjects proposed by Members. I welcome comments from Members to that review.

Mr. Mackay: So, yet another review, from the Government of review, review, review: may I suggest to the Leader of the House that there is no need for a review this time? The public want topical debates so that we in the House are right up to date, but they do not want Government media stunts instead of topical debates.

Ms Harman: The right hon. Gentleman criticises the proposed review, but we have to make decisions on important matters, such as the business of the House and issues that affect the lives of people outside it. To do that, we need the facts: we have to consult people and listen to what they say, and that means that we have to have a review. Doing things on the back of an envelope for the sake of a cheap headline is something that I shall leave to the Opposition.

Mr. Nigel Evans (Ribble Valley) (Con): To have more effective topical questions, can we double the time allotted to them and halve the amount of time allocated to Front-Bench Members in topical debates?

Ms Harman: Topical questions have been working well, and we do not propose to review them at the moment. The topical debates have caused controversy but, as I said, I have issued a written ministerial statement about them this morning. I want to seek the views of hon. Members on all sides of the House so that we can discuss how to take matters forward. We will then make further proposals to the House.

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): In her ministerial statement on topical debates, the Leader of the House says that she will publish a quarterly list of the subjects that have been proposed, but the Modernisation Committee has recommended that that list should be published every fortnight. Why has the right hon. and learned Lady gone for the longer option? In addition, will she publish the names of the people proposing the subjects? I am sure that it would be of considerable interest to the House to know whether a subject had been proposed by a Back Bencher with a genuine interest in it—or by, say, the Government Chief Whip, with an eye to his own media agenda.

Ms Harman: I shall take those suggestions as a contribution to the review. I should point out that the subject for this afternoon's topical debate was chosen, not by the Chief Whip, but by the right hon. Member for Maidenhead (Mrs. May), who is sitting next to the hon. Gentleman.

HOUSE OF COMMONS COMMISSION

The hon. Member for North Devon, representing the House of Commons Commission, was asked—

BlackBerrys

31. **Bob Spink** (Castle Point) (Con): What recent representations he has received on the provision of BlackBerrys to hon. Members. [185145]

Nick Harvey (North Devon): There has been one written parliamentary question about BlackBerrys, and the Parliamentary Information Communication and Technology department—PICT—has received one e-mail inquiry from an hon. Member on the matter in the past three months. At a recent ICT event in the atrium of Portcullis house, two hon. Members asked about the availability of BlackBerrys.

Bob Spink: I am grateful for that reply, and I acknowledge that this is not the most pressing issue before the House this week. I do not want to promote a particular brand of personal digital system, whatever that might be, but I believe that hon. Members should be given the maximum choice so that they can best serve their constituents. Will the matter be considered again?

Nick Harvey: I have some sympathy with the hon. Gentleman's remarks, but the provision of mobile computing services to the House was the subject of a full EU tender four or five years ago. I should explain that BlackBerrys are not marketed directly, and none of the companies bidding at the time offered a service for that product. Since then, the House has invested a good deal of time and money in Microsoft-based hand-held devices, but BlackBerrys operate on a completely different system. The result is that they would not be compatible with the infrastructure that we have developed.

Mrs. Sharon Hodgson (Gateshead, East and Washington, West) (Lab): As an avid BlackBerry user since 2005, I am rather surprised by the small amount of representation on their behalf that has been received. I do not want to endorse the use of any particular product in the House, but the personal digital assistant that I have received from PICT is not in the same league as a BlackBerry. I hope that PICT will not take the small number of representations on behalf of BlackBerrys to mean that hon. Members are not interested in them.

Nick Harvey: I have noted the hon. Lady's remarks and will convey them to PICT.

LEADER OF THE HOUSE

The Leader of the House was asked—

Voting Rights

32. **Ann Winterton** (Congleton) (Con): What the Government's policy is on the right of hon. Members representing Scottish constituencies to vote on matters relating to England where responsibility for such matters in Scotland has been devolved. [185146]

The Deputy Leader of the House of Commons (Helen Goodman): As I said to the House on 13 December, the Prime Minister set out the Government's policy to the House on 3 July. The Government do not accept that there should be any discrimination in the right of hon. Members to take part in the business of the House. English votes for English laws would lead to the break up of the Union. The Government believe in the Union and will do nothing to harm it.

Ann Winterton: With a Scottish mother and an English father, I am understandably supportive of the union between Scotland and England. Why have the Government been so dilatory in coming forward with proposals to address the West Lothian question, and when will they address and end positive discrimination against the English, following their flawed devolution policy?

Helen Goodman: We have already taken forward significant policy changes on that issue by introducing devolution, and we are now looking at the accountability measures needed. All that the hon. Lady is doing is demonstrating that on this subject, as on others, she is completely out of step with not only Government policy

but her own party leadership. I suggest that she read the speech given by the right hon. Member for Witney (Mr. Cameron) on 10 December, in which he said:

"Better an imperfect union than a broken one."

Simon Hughes (North Southwark and Bermondsey) (LD): May I say to the Deputy Leader of the House that the hon. Member for Congleton (Ann Winterton) is not out of step with the views of the British people on this issue? The Government appear to have a complete blind spot when it comes to acknowledging that further constitutional reform is needed. I put it to the Deputy Leader of the House that now that there is successful devolution in Belfast, Edinburgh and Cardiff, and the prospect of more, it is important that we consider how matters of purely English consequence are dealt with by English elected Members of Parliament, in a way that is compatible with fully supporting the United Kingdom.

Helen Goodman: The hon. Gentleman needs to take account of the great deal of work that is being done on the issue. As he knows, the Modernisation Committee is considering ways of improving regional accountability for England. I am glad that he indicates that he supports that. As for Wales, we already have a means of reviewing and, if agreed, amending the devolution settlement through the government of Wales mechanisms. Similarly, it has been agreed that there should be further devolution to Northern Ireland when the Assembly feels ready for it.

Sir George Young (North-West Hampshire) (Con): Does the hon. Lady not recognise that there is a lingering sense of injustice in England, following the constitutional resettlement giving Welsh and Scottish Members more independence? Will she at least allow the House a topical debate on the subject?

Helen Goodman: As the right hon. Gentleman knows, it is not for me to take receipt of requests for topical debates now. I remind him that 85 per cent. of Members of the House are English, and that secures the interests of English voters.

Select Committees

33. **Mr. David Heathcoat-Amory** (Wells) (Con): Whether she plans to bring forward proposals for changes to the Standing Orders governing the ability of Select Committees to meet in public. [185147]

The Deputy Leader of the House of Commons (Helen Goodman): The Government have no plans to change the Standing Orders for Select Committees generally. With respect to the European Scrutiny Committee, the matter is on the Order Paper for discussion this afternoon. I look forward to hearing the right hon. Gentleman's views then.

Mr. Heathcoat-Amory: And I am sure that she will, but the issues of openness and the public's right to know are not on the Order Paper. Is the hon. Lady aware that in the Committee's routine weekly meetings, it has to meet in private? It scrutinises more than 1,000 draft regulations, directives and laws from the European Union every year, but the public and the press are not admitted. Will she alter that in line with the Government's pretended belief in openness and the public's right to know?

Helen Goodman: As the right hon. Gentleman knows, I have twice attended the European Scrutiny Committee recently and I am perfectly well aware of the situation. Everybody in the House believes that we should conduct proceedings transparently whenever possible, but that is not the same as holding every single meeting under the glare of publicity. The right hon. Gentleman knows as well as I do that his Committee has taken contradictory positions when it has looked at the matter.

Parliamentary Questions

34. **Andrew Mackinlay** (Thurrock) (Lab): What plans she has to review procedures relating to parliamentary questions. [185148]

The Deputy Leader of the House of Commons (Helen Goodman): From the beginning of the current Session the House agreed an experiment for a period of topical questions at the end of each of the main departmental question times. This will be reviewed at the end of the current Session. The Government have no further plans for review of procedures relating to parliamentary questions, but we await with interest the report in due course from the Procedure Committee on written questions.

Andrew Mackinlay: It is on written questions that I want to probe the Minister. I welcome the changes that mean we can table questions during the parliamentary recess, but why can we not table written questions during the entire recess just as we do on any other day? By what logic is it that if we table a written question in the recess just after the tabled cycle has been answered, it stays in a box for some weeks until the next cycle comes up? Why can it not be processed through to the Department to which the question was addressed? The situation is crazy.

Helen Goodman: Once again, my hon. Friend demonstrates his fantastic grasp of House procedure. His suggestion can be looked at further by the Procedure Committee, if not by the Government.

HOUSE OF COMMONS COMMISSION

The hon. Member for North Devon, representing the House of Commons Commission, was asked—

Visitors Reception Building

35. **Norman Baker** (Lewes) (LD): How much the House of Commons Visitors Reception Building was originally estimated to cost; and how much it is now estimated to cost. [185149]

Nick Harvey (North Devon): The original estimate in the business case was £8.6 million. Taking into account the delay and remedial work the cost is now estimated at £11.2 million. Professional fees for completing the project and reviewing the lessons learned about what went wrong may add about another £1 million. Additional equipment in the new building will cost about £250,000. The split between the Commons and the Lords is 60:40.

Norman Baker: I am increasingly concerned about what appears to be the inability of the House of Commons Commission to manage projects within time and within

budget. I remind my hon. Friend of the walkway downstairs, which cost £422,000 for a bit of glass on stilts. Is it not time that there was proper economic management of the House of Commons Commission so that the public could have confidence that public money is being properly looked after in this place?

Nick Harvey: There have been a series of problems with the project. Initially, piling and hidden services were found beneath the site and later there were a number of technical problems with the building itself, both of which led to delays and to the remedial works that were needed, and have added to the cost. Last summer, a recovery manager was brought in to ensure the completion of the project and he has now been engaged to make a study of what went wrong. With respect to my hon. Friend, I think he may be leaping to conclusions about where responsibility lies, but we look forward to receiving the report of the expert recovery manager in due course.

LEADER OF THE HOUSE

The Leader of the House was asked

Governance of Britain White Paper

36. **Mr. Graham Allen** (Nottingham, North) (Lab): What steps she is taking to encourage public debate on those elements of the Governance of Britain White Paper which fall within her remit; and if she will make a statement. [185150]

The Deputy Leader of the House of Commons (Helen Goodman): The Leader of the House has an interest in a range of issues under the governance of Britain programme, with a particular responsibility for the proposals relating to the draft legislative programme, the dissolution and recall of Parliament, departmental debate days and regional accountability in the House. Those are all being considered in inquiries by the Modernisation Committee, chaired by my right hon. and learned Friend the Leader of the House, to which public contributions have been invited.

Mr. Allen: The effort to revive our democracy was given a starburst opening when the Prime Minister chose to make his first speech to Parliament as Prime Minister on the governance of Britain and to produce a Green Paper within days of taking over as Prime Minister. Does my hon. Friend agree that a little bit of the excitement, passion and drive may have gone out of the agenda? Can we not involve millions of people in debate on the issues, rather than just those of us in the asylum, so that we can take them further and get more and more people involved in moving our democracy forward?

Helen Goodman: I am grateful to my hon. Friend for his attempts to bring more excitement to the issue. The Leader of the House published the draft legislative programme and put it on the Cabinet Office website. Regional Ministers held meetings to discuss it and a national deliberative forum was held. The programme is being taken forward across the board.

Business of the House

11.34 am

Mrs. Theresa May (Maidenhead) (Con): May I ask the Leader of the House to give us the forthcoming business?

The Leader of the House of Commons (Ms Harriet Harman): The business for the week commencing 18 February will be:

MONDAY 18 FEBRUARY—Remaining stages of the Health and Social Care Bill.

TUESDAY 19 FEBRUARY—Debate on the treaty of Lisbon provisions relating to foreign, security and defence policy, followed by continuation of consideration in Committee of the European Union (Amendment) Bill [5th Allotted Day]—any selected amendments to clause 2 relating to foreign, security and defence policy, followed by motion to approve a local government restructuring order relating to Shropshire.

WEDNESDAY 20 FEBRUARY—Debate on the treaty of Lisbon provisions relating to international development, followed by continuation of consideration in Committee of the European Union (Amendment) Bill [6th Allotted Day]—any selected amendments to clause 2 relating to international development.

THURSDAY 21 FEBRUARY— Topical debate: subject to be announced, followed by motion to approve the draft Prevention of Terrorism Act 2005 (Continuance in force of sections 1 to 9) Order 2008, followed by motion to approve the draft Social Security Benefits Up-rating Order 2008 and the draft Guaranteed Minimum Pensions Increase Order 2008.

FRIDAY 22 FEBRUARY—Private Members' Bills.

The provisional business for the week commencing 25 February will include:

MONDAY 25 FEBRUARY—Debate on the treaty of Lisbon provisions relating to the effectiveness of the EU institutions and EU decision making, followed by continuation of consideration in Committee of the European Union (Amendment) Bill [7th Allotted Day]—any selected amendments to clause 2 relating to the effectiveness of the EU institutions and EU decision making.

TUESDAY 26 FEBRUARY—Debate on the treaty of Lisbon provisions relating to climate change, followed by continuation of consideration in Committee of the European Union (Amendment) Bill [8th Allotted Day]—any selected amendments to clause 2 relating to climate change, followed by motion to approve a local government restructuring order.

WEDNESDAY 27 FEBRUARY—Continuation of consideration in Committee of the European Union (Amendment) Bill [9th Allotted Day] covering clauses 3 to 7.

THURSDAY 28 FEBRUARY—A debate on Welsh affairs.

FRIDAY 29 FEBRUARY—Private Members' Bills.

Mrs. May: I thank the Leader of the House for giving us the forthcoming business.

The Human Fertilisation and Embryology Bill has been the subject of intense debate in another place and raises ethical questions on which opinions are sharply divided. Last week the right hon. and learned Lady said:

> "I intend to ensure that we have sufficient time for a serious and good debate on that important measure in this House."—[*Official Report*, 31 January 2008; Vol. 471, c. 478.]

Will she make a statement to the House immediately after the recess on how the Government intend to handle that Bill?

This morning it was announced in the media that the Prime Minister had axed plans for a super-casino in Manchester, but yet again no announcement has been made to the House. When will the Prime Minister make a statement to the House on the matter? Every week the Leader of the House tells us that she puts Parliament first, but every week her colleagues from the Prime Minister down show their disdain for Parliament.

The Prime Minister consistently brags about his tax credit system, yet the latest report by the Public Accounts Committee said that losses to fraud and overpayments in the system were a "great cause for concern". Her Majesty's Revenue and Customs has written off £2.3 billion in overpayments, often made because of its own errors. 2 million families a year are still struggling to pay back overpayments, and on top of that, HMRC has lost the personal details of 25 million tax credit claimants. May we have a debate in Government time on the failures of HMRC?

This morning, it was confirmed that £24 billion of Northern Rock debt is being moved on to the Treasury's balance sheet. That comes on top of the £35 billion of debt from housing associations being put on to the Treasury's balance sheet due to an incompetence by the Government in the drafting of the Housing and Regeneration Bill. We also know that another of the Prime Minister's blunders—the failure of the public-private partnership scheme for the tube—will cost the taxpayer at least £2 billion. A further £55 billion of debt is off the public balance sheet in private finance initiative schemes. How much of that will now have to be put on to the Treasury's balance sheet, and will the Chancellor make a statement to the House on how much the Government's economic incompetence is costing the British taxpayer?

Perhaps the Prime Minister has other things on his mind. It is reported that Downing street is encouraging Tony Blair as he decides whether to stand as president of the European Union. Will the right hon. and learned Lady confirm that Tony Blair is the Government's preferred candidate, and can we have a statement on the matter from the Prime Minister? From tube privatisation, to HMRC, to Tony Blair: are those not just examples of the Prime Minister's chickens coming home to roost? Blunders, indecision and incompetence—little wonder that, according to the *Financial Times*, No.10 has become so chaotic that insiders have begun to describe the Prime Minister as being at the helm of the GST, otherwise known as the good ship Titanic. The Government are sinking, and sinking fast, but it is the British people who are suffering.

Ms Harman: If we can return to the real world for a moment, let me say that we will announce the business on the Human Fertilisation and Embryology Bill in the usual way. It is an important Bill, which has had good

consideration in the Lords. The House of Lords has deliberated at length on a number of ethical issues. Similarly, this House will want to scrutinise the Bill.

The Prime Minister told the House that he was going to initiate a review on casinos so that the original decisions could be reconsidered. The devolved Administrations have been consulted. No announcement has been made; when a decision has been taken, an announcement will be made to the House.

On tax credits, the information mentioned by the right hon. Lady is of some years' standing. Since then, the issues that arose on the back of the report have been addressed and the system has been simplified. Tax credits have made a great difference to hundreds of thousands of families up and down the country. The Government's policy is to back up hard-working families bringing up children and ensure that they have a better standard of living. The tax credit system plays an important part in that.

The right hon. Lady mentioned Northern Rock. I remind her and the House that the Chancellor has kept the House informed on that matter and will continue to do so. Our principles are that we should ensure stability in the financial system. We have to ensure that those with savings and mortgages at Northern Rock are reassured that their money is safe, and that those working at the bank do not face too much insecurity. Those are our objectives and we will do whatever we can to achieve them.

The right hon. Lady mentioned the Housing and Regeneration Bill. Its objective is for us to have more housing, particularly housing that is affordable to rent or buy. The right hon. Lady always has objections to any public investment in things that help people—especially those at the bottom of society, who need housing. I am sorry that she is nit-picking about that issue. Similarly, she is picking holes in the finance system of the underground. We have said that for the strengthening of the economy, we want investment in people, industry and infrastructure—that includes London's transport infrastructure, which includes the underground. That investment will go in and help London's passengers and economy. It will continue.

The right hon. Lady talks about economic incompetence. She should recognise that we have the highest growth rates, the lowest inflation and the highest levels of employment that we have had for years, and that is the real world that we are going to continue in.

The right hon. Lady asks about the EU presidency. I would say that when leading British politicians play a role in Europe, whether they are Chris Patten, Leon Brittan, Paddy Ashdown, Roy Jenkins or Neil Kinnock, they make a big difference. If British politicians can play a leading role in Europe, that is good for Britain as well as good for Europe.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): The Leader of the House is aware that you, Mr. Speaker, and the Members Estimate Committee have been given the major responsibility of bringing the issue of allowances, and that of transparency, to a satisfactory conclusion. Will she give an absolute undertaking to the House that whatever resources are needed to complete that work will be made available?

Ms Harman: I will give that undertaking to the House. I think that the whole House will regard this review as very important indeed. The public need to have confidence in the structure and policing of the system, and hon. Members will want to be sure that we can command public confidence in that respect.

Simon Hughes (North Southwark and Bermondsey) (LD): The right hon. Member for Maidenhead (Mrs. May) reminded us, and the Leader of the House responded, that we are about to start the process of debate on the Human Fertilisation and Embryology Bill. In addition to a very careful decision as to how we proceed, may I ask the Leader of the House to consider whether some of the Committee stage can be taken on the Floor of the House on those matters that I am sure we can discuss and identify across parties as being of wider general concern? Will she talk with her colleagues at the other end of the building about whether it is time to have a joint Committee of both Houses on bioethics, on a standing basis, which will reflect some of the strong views expressed in the House of Lords during the recent debates?

As the Leader of the House will know, today is Chinese new year, but surprisingly the House has not had a debate on UK-China relations for a considerable time. Given the large number of Chinese people living and working in the UK, will she consider whether that is a possible topic for debate after we come back for the second half of term?

The Leader of the House will realise from this week's comments that there is great concern in relation to the Government's Counter-Terrorism Bill. The concern is that a little part has been slipped in dealing with coroners' inquests, particularly those that take place in private. Will she come back to us after the recess and tell us whether they can reconsider that matter so that coroners' matters and inquests can be debated in the context that she wants, namely a new Bill on coroners' matters and inquests, rather than by trying to slip into the Counter-Terrorism Bill an unsatisfactory and secretive proposal on inquests?

In relation to the much wider concern at the moment about the nature of authoritarian imposition by the Government on the citizen, we have not had a debate on the surveillance state for a very long time. There is considerable concern, not just about Members of Parliament appearing to be followed and having their activities monitored illegally, but about DNA and fingerprints being held and children's records being kept. May we have, in prime time, a debate to allow the House to express its view that the Government are going too far in seeking powers over the citizen and that we need to roll back the powers of the state, not increase them?

Ms Harman: The Human Fertilisation and Embryology Bill is not a party political matter, but a matter of concern across the parties, on Front Benches and Back Benches alike. We will have to have discussions to ensure that when I announce that business to the House it is regarded as satisfactory in terms of debate on this important issue.

The hon. Gentleman suggested the Chinese new year as the subject of a topical debate. I thank him for that suggestion. He also referred to the provisions dealing

[Ms Harman]

with coroners' inquests that involve matters of national security, and he said that we had gone about introducing them secretively. I say to him that we have published those provisions as clauses in the Counter-Terrorism Bill, so it is not a question of something being "slipped in". They have been published in a Bill. I do not need to come back after the recess to tell him this; I can tell him right away. When material relating to national security is brought in as evidence in the criminal and civil courts, the court sometimes has to sit in camera. That is the case in those courts, and the clauses in the Bill simply bring the coroners' courts in line with the situation that currently obtains, and which he no doubt supports, in civil and criminal courts.

The hon. Gentleman asked why we have not debated the surveillance state. I would say that we do not have a surveillance state, so we do not need to debate it. *[Interruption.]* We had a statement from the Ministry of Justice on Monday relating to surveillance. On Wednesday, we had a further statement pertaining to surveillance, read by the Prime Minister. The hon. Gentleman talks about the extension of what he regards as the invasion of people's civil liberties by the state, but would he say the same thing to rape victims who have seen perpetrators of rape brought to justice, in a way that they never could have been in the past, because of the collection of DNA? Our purpose in Government is to keep people safe, which is why we take the measures we do on surveillance and security. Our purpose is also to bring offenders to justice, which is why we take the measures we take on DNA and fingerprints. I hope that he would agree with that action.

Mr. Peter Kilfoyle (Liverpool, Walton) (Lab): Further to the issue raised by my right hon. Friend the Member for Knowsley, North and Sefton, East (Mr. Howarth), I wonder whether the Leader of the House would find time for a Government statement expressing full support for the root-and-branch review being undertaken under the leadership of Mr. Speaker? Could that statement include support for inclusion in the review of a reappraisal of the register of journalists' interests?

Ms Harman: I strongly welcome my hon. Friend's statements, and I am sure that the whole House will.

Bob Spink (Castle Point) (Con): May we have an early debate on the structure of the review on Members' allowances? We will not regain public confidence unless that review is undertaken by a totally independent body.

Ms Harman: I think that the public could be forgiven for finding the current situation very complex. We have the Committee on Standards in Public Life, which is independent; the Standards and Privileges Committee, which is a Committee of this House but is supported by an independent commissioner; the National Audit Office reporting to the Public Accounts Committee, which is a Committee of this House; the Public Administration Committee; and the Register of Members' interests. Every time there has been a problem, we have bolted on a new bit of machinery.

We now have chronic hybridity, with some issues being dealt with by this House, and some by independent elements. The public are unable to see the clear picture that they need. They need to be able to see that public money is properly spent according to clear rules, and if those rules are breached, they must see that people are held to account and that the money is paid back. The review led by Mr. Speaker will consider such matters. We will have a review in the right sense of the word: we will think about the matter, deliberate on it, examine the evidence and then get to the right solution.

Several hon. Members *rose—*

Mr. Speaker: I had better call the hon. Member for Warrington, South (Helen Southworth). She seems very impatient to be called.

Helen Southworth (Warrington, South) (Lab): Thank you, Mr. Speaker.

Can we find time for a debate about the most effective methods of reducing reoffending among 15 to 18-year-olds who receive a custodial sentence, particularly in view of the Youth Justice Board's decision to withdraw funding from Thorn Cross young offenders institute? At the institute, which is in my constituency, people can currently get vocational qualifications, join the fire cadet service with Cheshire fire service and get music tuition from the Hallé orchestra. A debt is repaid to the community with the help of local voluntary organisations, but most importantly, there are activities on offer to address offending behaviour. From April, there will only be enclosed institutions with none of the resources to do those things.

Ms Harman: My hon. Friend makes an important point about Thorn Cross young offenders institution. It must be a priority that young offenders are not only punished, but rehabilitated when they come out of institutions so that they are able to get on the straight and narrow. I shall bring her comments to the attention of my right hon. Friend the Secretary of State for Justice.

Mark Hunter (Cheadle) (LD): In recent weeks, Members of all parties have raised genuine concerns about the post office closure programme, which the Leader of the House accepted is a sensitive issue. In my constituency, it is so sensitive that the whole network change programme consultation has had to be postponed, apparently under the instructions of the Government. The Post Office has written to postmasters and postmistresses, delaying the consultation until after the local elections. Will the Leader of the House please reconsider a request that has been made several times for a debate in Government time on the genuine concerns that exist in our communities about this important issue?

Mr. Speaker: Before the Leader of the House answers, let me say that I want to call all hon. and right hon. Members standing, but I have to get briefer supplementaries than we have had so far.

Ms Harman: I shall try to aim for briefer answers, Mr. Speaker.

The Minister for Employment Relations and Postal Affairs in the Department for Business, Enterprise and Regulatory Reform gave evidence on this issue to the Select Committee a couple of days ago. The Committee will report on the issue and there will be further debate in this House in future.

Mr. Jim McGovern (Dundee, West) (Lab): May we have a debate on the standards and costings of election promises? Prior to the Scottish elections last May, the people were presented with an uncosted fantasy manifesto, which has led to an unprecedented number of about-turns and broken promises. Does the Leader of the House agree that treating our electorate with such contempt only furthers public mistrust of politics, politicians and the political process?

Ms Harman: My hon. Friend makes an important point on behalf of his constituents. He wants to ensure that they have the services they need, and that they are not subject to broken promises or a postcode lottery by the Scottish Executive.

Robert Key (Salisbury) (Con): Please may we have a debate on the accountability of English Heritage to the Department for Culture, Media and Sport and this House? The current funding crisis involves Salisbury, Canterbury, Durham and Lichfield cathedrals and concerns the best way to conserve mediaeval stone. It has been described by Sir Hayden Phillips, a distinguished former permanent secretary at the Department for Culture, Media and Sport and the Lord Chancellor's Department, as

"falling short of the best standards of public administration in the decision-making process".

That is a very serious matter, and this House should discuss it.

Ms Harman: I will draw the attention of my right hon. Friend the Secretary of State for Culture, Media and Sport to the hon. Gentleman's comments, and I will ask my right hon. Friend to write to him.

Mr. John Spellar (Warley) (Lab): May I thank the Leader of the House for selecting Holocaust memorial day as a subject for topical debate last week? I am sure that she will have been impressed by the attendance and quality of contributions in that debate. Will she ascertain through the usual channels whether a debate on this important topic could become a scheduled annual event? That would be widely appreciated in the House and elsewhere.

Ms Harman: The topical debate on Holocaust memorial day was a good example of the role that can be played by such debates. I congratulate all Members who took part and I will certainly consider my right hon. Friend's suggestion.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): The Leader of the House will be aware of the long-standing convention observed by all previous Governments that to inform debates in this House, Ministers place on the Table documents relating to policies under debate. Surely, therefore, they should place on the Table the positions taken by Ministers in respect of clauses debated on the European convention on the constitution, which are mirrored word for word in the current legislation on the Lisbon treaty. Yet they have refused to do so. Surely they cannot be arguing that this is a matter of national security, as this information is available to every Government in Europe, although it is not available to Members of this House. She cannot say that it is not related to the debate, because it has been debated repeatedly by those few Members who do have access to the documents. Will she at least think about whether those documents should be placed on the Table to inform the rest of the debate on this constitutional treaty?

Ms Harman: We obviously want the debate to be as well informed as possible, with all the appropriate supporting documentary evidence. That is certainly the position of Ministers in the Foreign and Commonwealth Office, and I am sure that that will happen.

Julie Morgan (Cardiff, North) (Lab): When may we have a debate on women in prison so that we can discuss the recommendations of the Corston review? I am sure that my right hon. and learned Friend knows that, last week, the English children's commissioner produced a report on mothers in prison, showing the damaging effect of that on young children. Could that be a subject for a topical debate?

Ms Harman: That is a good suggestion for a topical debate and I thank my hon. Friend for it. Today the House of Lords will hear a debate, led by Baroness Corston, about women in prison. I believe that we can ensure that more women are prevented from offending and reoffending. We can also ensure that more women have effective non-custodial sentences and that, when they have to be put in prison, they are in prisons nearer their families and more is done to rehabilitate them.

Sir Nicholas Winterton (Macclesfield) (Con): Will the Leader of the House find Government time or grant a topical debate on family courts, where it is increasingly apparent that natural parents have no rights and they are denied even the transcripts to enable them best to represent the interests of their case and their natural children?

Ms Harman: The hon. Gentleman makes an important point. There is a concerning lack of transparency in the family courts, which my right hon. Friend the Secretary of State for Justice is examining. We need to be sure that the privacy of children and families is protected, and that justice is done and seen to be done. I emphasise that topical debates happen in Government time.

Paul Flynn (Newport, West) (Lab): President Karzai has blamed British troops for the increased suffering of his people in Helmand province. He has rejected the UK Government's advice on the expulsion of diplomats and on the appointment of a UN envoy. Until we went to Helmand province, only seven of our brave British soldiers had died. The total is now 87. Should not we have a debate before we order our troops to put their lives at risk for the ungrateful, misguided Karzai Government?

Ms Harman: I think that my right hon. Friend the Prime Minister tackled that in Prime Minister's questions yesterday, and it is constantly the subject of debate and discussion in oral questions and Committees of the House.

Mr. Lee Scott (Ilford, North) (Con): Will the Leader of the House please consider a debate on consultancies awarding contracts in the national health service, in the light of the fact that two previous chief executives from NHS trusts, including mine—Barking, Havering and Redbridge—who received large pay-offs, leaving their trusts with a deficit of £39.9 million, have now set up a business to advise the NHS on how to run hospitals? Surely that should be called "Not Fit for the Future".

Ms Harman: I will bring the hon. Gentleman's point to the attention of my right hon. Friend the Secretary of State for Health. Everyone wants the resources that go into the health service to be used for care and support for those who need it and those who work on the front line, caring for patients.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): May we have a debate on publicly funded bodies, such as the Committee on Standards in Public Life, the members of which are well rewarded? My constituent received a letter and visit from that organisation and was offered a £10 gift voucher to take part in a survey of standards in public life,

"Even if you don't feel you know much about the subject".

Does my right hon. and learned Friend agree that that is a waste of taxpayers' money and should be investigated?

Ms Harman: I hesitate to say anything about the Committee on Standards in Public Life because it is independent and has to be allowed to do its work independently. However, I am not sure that we need to give £10 gift vouchers to members of the public to know that we must get on with our work and ensure that the public have confidence in the way in which the House goes about its business.

Mr. Tim Boswell (Daventry) (Con): Will the right hon. and learned Lady ensure that we urgently revisit the security of electoral registration in view of the Council of Europe's highly critical report? Do she and her fellow Ministers have the faintest idea of the implications for the UK's reputation if we fall into the monitoring process?

Ms Harman: I think that there are two electoral registration problems: people who register when they are not eligible to do so or are falsely registered to rig the vote, and the millions of people who are not entitled to vote and disfranchised because they are not registered to vote. My right hon. Friend the Secretary of State for Justice is examining the matter. We need to be sure that our electoral register is both secure and complete. We cannot continue with a position whereby between 3 million and 4 million people who are eligible to vote cannot do so because they are not on the electoral register.

Mrs. Claire Curtis-Thomas (Crosby) (Lab): Every day, my constituents have to endure thousands of belching vehicles travelling through the constituency, which has some of the highest asthma rates in the country. Last week, the Mayor introduced a low emissions zone in London and it will save thousands of lives. Will the Leader of the House kindly make time to discuss that important initiative and the way in which it can be introduced in places such as Sefton so that we, too, can save lives?

Ms Harman: I thank my hon. Friend for bringing to the House's attention the question of how we ensure that people who have asthma or other respiratory problems are protected from traffic emissions. I join her in congratulating the Mayor of London, Ken Livingstone, on introducing the pioneering low emissions zone. I know that it will be considered in other cities throughout the country to ascertain whether they can do the same.

Mr. James Clappison (Hertsmere) (Con): May we find time for a debate on the position of UK nationals facing trial overseas, with particular reference to the case of Mr. Simon Mann? We should do what we can to ensure that they have access to lawyers, that they are brought before a judge and that they have full access to this country's consular facilities, and when appropriate, if there is a shortage of such facilities, to those of friendly countries such as the United States.

Ms Harman: I think that that is the current arrangement. The hon. Gentleman is right to pay tribute to the consular facilities in countries where British citizens find themselves in difficulty. They are a lifeline. I am sure that what he proposes is already under way, but I will ask my right hon. Friend the Foreign Secretary to write to him to confirm that that is the case.

Mr. Mark Hendrick (Preston) (Lab/Co-op): Will my right hon. and learned Friend consider holding a debate on employment law, especially the gross misuse and abuse of grievance procedures, particularly by North West Transport Supplies Ltd at Moss Side in Leyland, which has abused one of my constituents, Mr. Glyne Greenidge, in a terrible way?

Ms Harman: I will look into my hon. Friend's point. Nobody wants grievance procedures to be misused.

Mr. Stewart Jackson (Peterborough) (Con): Twenty-six per cent. of young people in my constituency are not in employment, education or training. We learned this week the shocking statistics that 75 per cent. of young people in social housing are on benefit, and more than 50 per cent. of all age groups in social housing and on benefit, are in workless households. May we have an urgent debate on the Government's record on welfare dependency and their abysmal failure to deliver social mobility in the past 11 years?

Ms Harman: There are now more jobs in the economy. The problem when we came into government was too few jobs. Now, there are 600 vacancies—*[Interruption.]*—600,000 vacancies across the economy. That is why we have been able to move forward with our welfare-to-work programme so that there is work for those who can as well as security for those who cannot. More lone parents are in work and more people are coming off incapacity benefit into work. We are ensuring that young people in particular have the skills and qualifications to take up the increased number of jobs that are now available.

Mr. David Winnick (Walsall, North) (Lab): Arising from what my right hon. and learned Friend has said a number of times today, does she understand the point, which is often made outside this place as well as by hon. Members, that there needs to be public confidence about the allowance system? I am afraid that that confidence is currently lacking. Although I recognise the measures that have so far been taken, it was only a short time ago that attempts were made to exempt Parliament from the Freedom of Information Act. In those circumstances, there is bound to be a suspicion that what is happening is a clublike investigation that will not lead to real reform.

Ms Harman: The public are understandably angry about the facts that were revealed in the case of the hon. Member for Old Bexley and Sidcup (Derek Conway). However, hon. Members are every bit as angry, because that case has cast a stain over us all and over the institution of Parliament. All the members of the Members Estimate Committee are fully aware of the situation and determined that we should come up with proposals, under the leadership of the Speaker, that fully restore public confidence and are clear, straightforward and transparent. That is what the House asked the Speaker to do when we debated hon. Members' pay some weeks ago, and his Members Estimate Committee will be getting on with it.

Mr. Ian Liddell-Grainger (Bridgwater) (Con): The right hon. and learned Lady is aware that the Government are conducting a review of the starring system for unitary authorities and counties, which is taking an inordinate amount of time to complete. Somerset lost a recent British Dyslexia Association standard, but it is hiding behind the starring system, saying, "We're a four-star council, so we're okay." Will the Government please get the situation sorted out as quickly as possible, so that there is a proper system for marking counties and unitaries—I have no problems with that—in a transparent way that is understandable to members of the public?

Ms Harman: That is a point that the hon. Gentleman might want to raise in oral questions or in a written question to my right hon. Friend the Secretary of State for Communities and Local Government.

Jon Trickett (Hemsworth) (Lab): There is real concern in my constituency and elsewhere about the corporate strategy of Redcats, a large local employer of female labour in particular. It is likely that there will be hundreds of redundancies. On behalf of myself and my hon. Friend the Member for Wakefield (Mary Creagh), who cannot be here today, may I press my right hon. and learned Friend to arrange for a statement indicating that the Government will seek to persuade Redcats not to make so many people unemployed, but that if that transpires, the Government will make local agencies available to assist people in finding new work? Otherwise, real devastation will be inflicted on those communities.

Ms Harman: This is obviously an important issue for families in my hon. Friend's constituency. I will ask my right hon. Friend the Secretary of State for Business, Enterprise and Regulatory Reform to look into Redcats and at what can be done. I will also ensure that my right hon. Friend the Secretary of State for Communities and Local Government works with the Department for Business, Enterprise and Regulatory Reform to ensure that local agencies rally round and ensure a future for people currently working in that company, should things take a turn for the worse.

Pete Wishart (Perth and North Perthshire) (SNP): I support the calls for a debate on good governance across the constituent parts of the United Kingdom. In that debate, the right hon. and learned Lady might want to congratulate the Scottish National party Government on their historic first budget, passed yesterday—a budget that will freeze council tax, abolish prescription charges and increase police numbers and teachers. Perhaps she will also have a word of advice for her hapless Labour colleagues, who were ritually humiliated yesterday, albeit not by us, but by themselves, demonstrating that they are just as pathetic in opposition as they are in government.

Ms Harman: We are dealing with the business of the House. As I cannot immediately detect the business element to that question, I shall just have to say: pass.

Sir Peter Soulsby (Leicester, South) (Lab): In response to an earlier question the Leader of the House referred to the Select Committee inquiry into the post office closure programme. Given the concern about that programme in all parts of the House, will she ensure that we will have an opportunity to debate the Committee's report on the Floor of the House? Will she also ensure that I have an opportunity to talk about the total disregard for the widespread representations made about the closure of the Walnut Street and Francis Street post offices in my constituency, the sham consultation and the abject failure of Postwatch to represent the interests of residential and business users?

Ms Harman: When the Select Committee reports, it will be topical to discuss the post office closure programme, which might be a good subject for a topical debate. During that debate my hon. Friend will have a further opportunity to raise his constituents' concerns about the Walnut Street and Francis Street post offices.

Dr. Julian Lewis (New Forest, East) (Con): My constituent, Mr. Simon Mann, has completed his jail sentence in Zimbabwe but has been transferred by the Mugabe regime to a potentially terrible fate in Equatorial Guinea, despite the fact that his appeals processes have not been completed and despite the assurances given to the British ambassador to Zimbabwe that that would not happen. May we have a statement as soon as possible on the Floor of the House from the Foreign Secretary about what action is going to be taken? Quiet diplomacy has failed and we now have to save Mr. Mann, whatever he has or has not done, from torture and a horrible death in a terrible situation.

Ms Harman: I will bring the matter to the attention of my right hon. Friend the Foreign Secretary and ask him to write to the hon. Gentleman.

Dr. Stephen Ladyman (South Thanet) (Lab): I do not know whether my right hon. and learned Friend has visited a bookmaker recently, but if she has, she will have noticed that many are exploiting an unintended loophole in the Gambling Act 2005, by installing up to four machines, each of which can take a stake on a single play of £100. Such machines are distorting the market for coin-operated machines so much that they are even affecting the seaside arcade industry and threatening jobs where machines are manufactured in my constituency. I have applied for an Adjournment debate on the subject, but perhaps it deserves a wider debate in the House.

Ms Harman: My hon. Friend makes two important points on behalf of his constituency. One is about gambling and the other is about the future of seaside towns. The future of seaside towns, including the amusements available, is perhaps something that we should consider for a topical debate when it gets a bit warmer.

Mr. Andrew Dismore (Hendon) (Lab): It is an awful long time since we had a debate on policing in London. Will my right hon. and learned Friend consider having a topical debate on policing in London, so that we can explore the recent Metropolitan police statistics, which show a significant fall in crime to its lowest level in nine years, with knife crime down 13 per cent. and an increase in offenders brought to justice? Such a debate would also be an opportunity to explore the London Mayor's record in providing 10,000 extra police officers and police community support officers and his pledge for an extra 1,000, which contrasts with the Conservative candidate's policy of cuts in the police budget.

Ms Harman: I will take that as a proposal for a topical debate, because the issue will become increasingly topical as we approach 1 April, when neighbourhood policing will be introduced in all areas in London. That is something that Londoners want. The work that those teams will do could well be the subject for a topical debate, which could include the absolute support of the Labour Mayor and the Labour Government for ensuring extra policing and the resistance to that from a number of Conservatives.

Philip Davies (Shipley) (Con): May we have a debate on public sector pay, during which the Government will be able to explain to the House why giving 475,000 teachers a 2.45 per cent. pay rise will control inflation, but giving 140,000 police officers a 2.5 per cent. pay rise will create rampant inflation?

Ms Harman: What the hon. Gentleman has done is transpose percentage increase figures from different years. We want to be sure that we can negotiate three-year pay deals, so in the year April 2007 to April 2008 all pay agreements had to be kept to 1.9 per cent. As well as properly rewarding important public sector workers, we are going to make absolutely sure that inflation and interest rates are kept low.

David Taylor (North-West Leicestershire) (Lab/Co-op): In three days' time, Churches and other religious organisations will be supporting an international day of prayer for those with autism and Asperger's syndrome. Will the Leader of the House take this as a bid for a topical debate on the issue, which affects hundreds of thousands of people throughout the country? The conditions are under-recognised and under-resourced and they badly need a national strategy, a national taskforce and a well resourced plan for the future.

Ms Harman: My hon. Friend makes an important point. For many years, families have struggled to support and care for children with autism, often to a great extent on their own and without the proper back-up of integrated services. There is now a great deal more awareness of the difficulties of autism and Asperger's syndrome, and a recognition of the importance of early diagnosis and integrated services. I congratulate the Churches on picking this for an international day of prayer, and we would like to work with the Churches, local government and the voluntary sector to ensure that families with a family member who develops autism or Asperger's have the backing that they need in future.

Mr. Andrew Mackay (Bracknell) (Con): As today's important announcement—made outside the House—that the Treasury would take on £24 billion of Northern Rock debt effectively amounts to nationalisation, how come the Chancellor has not come to the Dispatch Box to make a statement? Will the Leader of the House guarantee to us that he will come tomorrow?

Ms Harman: The Chancellor of the Exchequer has made regular statements on Northern Rock. He has also made clear the principles with which he is approaching the matter, which involve giving priority to financial stability and security for those whose savings are invested in Northern Rock. The right hon. Gentleman and others ask for ever more statements. The Chancellor has said that when he has something to announce on Northern Rock, he will come to the House to announce it. Whenever he does so, however, the one thing that is always absent is any sign of a clear alternative strategy from the Opposition.

Mrs. Madeleine Moon (Bridgend) (Lab): May we have a topical debate on the irresponsible and inaccurate reporting of the media and, in particular, their failure to follow the Samaritans' guidelines when reporting suicides? My Bridgend community has been called a "death town", a "suicide town" and a "suicide cult town". I have had researchers purporting to be from the BBC "Ten o'clock news" asking for details of the parents and families of those who have died, so that they can interview them. That is irresponsible reporting. May we have a debate on that matter?

Ms Harman: I think that we would all wish to express our sympathy and condolences to the families who have lost young people through suicide in this tragic situation in my hon. Friend's constituency. I know that there is great concern among parents that the press reporting is making the situation more dangerous for young people. Instead of informing them of where to turn, it is simply whipping up fear. I know that my hon. Friend feels angry and aggrieved on behalf of her constituents, and that she is taking things forward herself. I am sure that what she has done by

raising the question of the guidelines will go a long way towards ensuring that they are enforced, as she rightly demands.

Mr. John Whittingdale (Maldon and East Chelmsford) (Con): I strongly support the requests of my hon. Friends the Members for Hertsmere (Mr. Clappison) and for New Forest, East (Dr. Lewis). Whatever Simon Mann may have done, or not done, does the Leader of the House accept that he is entitled to reasonable treatment and fair legal representation? There is real concern that he will get neither of those in Equatorial Guinea. Will she try to arrange an opportunity for the Foreign Secretary to tell us what the Government are doing to help him?

Ms Harman: I will ask my right hon. Friend the Foreign Secretary, when he writes to the hon. Member for New Forest, East (Dr. Lewis), also to send a letter at the same time to set out what the Government are doing in this respect. If there are any further questions to be asked, on the basis of the information that the Foreign Secretary gives to hon. Members, no doubt they can raise the matter again.

Mr. David Drew (Stroud) (Lab/Co-op): On Monday this week, British Waterways announced that it was pulling out of the Cotswold Canal Partnership, which is a major project to reopen a canal that is mainly in my constituency. The news was given really peremptorily by British Waterways, even to the Minister who has line responsibility for the matter. May we have a debate on the relationship between public bodies such as British Waterways, Government Ministers and this place, to discuss how such decisions are reached and whether we could be afforded the courtesy of some forward knowledge of them, so that we could prepare to deal with difficult situations such as these?

Ms Harman: My hon. Friend's point touches on the important issue of national agencies making decisions in a locality or region that will have a profound effect on that region. There is sometimes a sense that they are not accountable to the people in the region or locality who will have to suffer the consequences of their action. That is why we are going to bring to the House proposals for regional accountability, in which I know that my hon. Friend will play an important part. Meanwhile, I will bring the question of British Waterways to the attention of my right hon. Friend the Secretary of State for Communities and Local Government.

Mrs. Nadine Dorries (Mid-Bedfordshire) (Con): The Leader of the House has already answered two questions on the Human Fertilisation and Embryology Bill that will be before the House shortly. May I drill down on that issue a bit further? A ruling has been made that amendments on the question of abortion can be tabled, and I would wish to table an amendment to bring down the upper limit from 24 weeks. Will the Leader of the House give us an assurance that abortion will be discussed in Committee on the Floor of the House, and that it will not be hived off upstairs to another Committee? Will she ensure that an issue as important as this can have input from all Members on both sides of the House?

Ms Harman: The hon. Lady knows that the selection of amendments for debate is a question not for the Leader of the House but for the Speaker. On the question of abortion, the most important thing is that there is good sex education, that there is responsibility among young boys, and that there is contraception available for young girls—

Philip Davies (Shipley) (Con): Timetabling.

Ms Harman: The hon. Lady asked a question about the selection of amendments, and that is a matter for the Speaker.

Mr. Richard Benyon (Newbury) (Con): In her discussions with the Foreign Secretary to convey the mood of many Members of the House concerning the plight of Simon Mann, will the Leader of the House also tell him that we would like to know what steps the Government are taking to bring in ambassadors or representatives from Equatorial Guinea, to put pressure on EU member states to get behind this case, and to ensure, as we did with those held at Guantanamo Bay, that any citizen—whatever they have or have not done—has the right to a free and fair trial and all rights under the law?

Ms Harman: I think we are all concerned that people are entitled to their human rights wherever they are, and that the British Government stand up for human rights internationally and, particularly, look after British citizens whose rights are being breached by foreign Governments. As I mentioned earlier, this is a matter for our consular services, and I will draw the hon. Gentleman's comments to the attention of my right hon. Friend the Foreign Secretary.

Mr. Henry Bellingham (North-West Norfolk) (Con): Further to those questions, surely we need more than just a letter; we need a statement on Simon Mann. He has two sons serving in the British Army. The point is that the Equatorial Guinea regime has kidnapped an EU citizen wholly unlawfully; there is no legal basis on which he can be held.

Ms Harman: If that is the case, it is certainly a question for our consular representatives to take forward. It is often the case that, working together with other EU partners, we can be more effective than we can acting as a country on our own.

Mr. Peter Bone (Wellingborough) (Con): The European Union (Amendment) Bill has so far been debated in Committee for eight and a half hours. On every occasion that it has been debated, we have only reached the first group of amendments, with many Members being left standing when the debate closed. It has been possible, however, to debate general motions about the Lisbon treaty for 15 and a half hours. I know that the Leader of the House wants to have a full debate on this matter. She could make an enormous name for herself by being courageous and bold here. She could do one of two things. She could get rid of the motions on the Lisbon treaty and debate everything in Committee, or she could be even bolder. I understand that Committees can sit even when the rest of the House is not here. We have

[Mr. Peter Bone]

a constituency week next week. Why does she not allow the Committee to sit next week so that we could have more time to debate these matters?

Ms Harman: We are having more debate on the Lisbon treaty and the European Union (Amendment) Bill than we did on the Nice treaty, the Amsterdam treaty and the Single European Act put together. Indeed, we had six hours of debate—effectively a whole day—on the procedure and we have tried to be flexible in our interpretation of the procedure motion. Quite frankly, I do not believe that anything would satisfy Conservative Members. I do not know whether they ever listen to the business statement, but they well know that European business is being amended day in, day out. At the end of it all, however, the only things we know about the Opposition are that they want isolationism and that their only policy is to have a referendum. On that basis, they will never be fit for government.

Mr. Mark Harper (Forest of Dean) (Con): In support of my hon. Friend the Member for New Forest, East (Dr. Lewis) in respect of his constituent Simon Mann and his wife and children, may I ask the Leader of House to implore the Foreign Secretary to talk to our allies, particularly the United States which is so influential in this area? Will she do so as a matter of urgency, because if she does not, it may be too late?

Ms Harman: My suggestion to hon. Members who have raised this issue is to ask the Foreign Secretary for a meeting. I will tell my right hon. Friend to expect a request for such a meeting from hon. Members who have expressed interest in the case.

Flanagan Review

12.30 pm

The Secretary of State for the Home Department (Jacqui Smith): With permission, Mr. Speaker, I would like to make a statement in response to Sir Ronnie Flanagan's independent review of policing in England and Wales. Copies of the final report have been placed in the Library.

I want to start by thanking Sir Ronnie for his report. He has worked hard, meeting and talking to people up and down the country. I particularly appreciate the work he has done to include the voices and views of front-line officers. His recommendations are independent and challenging to all of us across the political spectrum and to the police themselves.

In asking Sir Ronnie to carry out this review, we were determined to find the best ways to ensure that the Government's investment in extra police officers and police community support officers has an impact where it counts—with visible teams in every neighbourhood and with officers able to focus on what will really make a difference in continuing to reduce crime levels. The report is wide ranging and it deserves further reflection and discussion. It raises important questions about how working practices can be reformed so that police officers can get the most out of their job and communities can get the best out of the police.

I believe that we can make quick progress in reducing bureaucracy, which will be my main focus today. The Association of Chief Police Officers recognised in its submission to the review that

"current levels of unnecessary bureaucracy are created both within as well as outside the police service".

Sir Ronnie is clear that freeing up police officers to do the job they came into policing to do requires more than simply removing paperwork, important though that is. It is not just about cutting requirements from the centre, important though that is, too. It requires new thinking on performance management from top to bottom of the police service; new attitudes to risk; new ways of working across the criminal justice system; and new technology to support the work of policing. I accept that challenge and we are already making progress in response to Sir Ronnie's interim report from September.

First, from this April, our new public service agreements and targets will provide greater flexibility to focus on what matters locally, on serious violence and on antisocial behaviour, and streamline the process that gets suspected criminals to court. Secondly, we are consulting on reforms to the working of the Police and Criminal Evidence Act 1984 that will reduce police bureaucracy and allow experienced officers to focus on their core roles by making better use of police staff.

Thirdly, working with my right hon. Friends the Justice Secretary and the Attorney-General, I am piloting a range of improvements to the way the police work with the courts and the wider criminal justice system. Those include virtual courts and new streamlined processes to reduce police and administrative time in preparing prosecution files. Fourthly, we are investing in new technology—including video identity parades, live scan electronic fingerprinting, body-worn cameras and the £50 million capital fund that will deliver 10,000 mobile

data devices by this September—to make crime fighting more effective and to save officers' time. I want to end the days of officers having to enter details more than once on to systems that do not talk to each other.

Sir Ronnie's final report shows how we can go further and identifies further savings to the equivalent of 2,500 to 3,500 officers a year. I accept his recommendations to achieve that and I commend Sir Ronnie for his careful and measured consideration of how to reduce the bureaucracy surrounding stop and account. I agree with his proposal that we should scrap the lengthy form that officers use to record data when they carry out that critical activity.

I do not underestimate the need to build community confidence in policing. We must be able to monitor the proportionality of stops, so I welcome the proposal to use airwave police radio technology to record any encounter and to ensure that the simple card given out by officers to those stopped will have a phone number that they can call. We will immediately pilot this new approach to stop and account in three areas and I expect the changes to be national later this year.

As the House will know, stop and account is a very different issue from stop and search, in respect of which Sir Ronnie says that

"a more formal and comprehensive process is both proportionate and appropriate".

I therefore welcome the work already being done by the Metropolitan police and the Metropolitan Police Authority, in co-operation with community representatives, to produce a shorter form for stop and search, which is being introduced later this month. Separately, the use of handheld devices to allow officers to input information directly and create a central record of a stop and search is cutting average time from 25 to six minutes. In view of the considerable benefits identified, I am calling on all chief constables to streamline their forms and process in the way Sir Ronnie has advocated.

Both stop and search and stop and account can be powerful tools in tackling crime, so from April we will extend police powers to tackle gang-related gun and knife crime, enabling officers to stop and search in designated areas where an act of serious violence has taken place, as well as in anticipation of serious violence.

We can now go further in other areas of recording. Sir Ronnie proposes that we endorse a radical new approach being trialled in Staffordshire and other forces, whereby police are freeing up more time to deal with victims of crime by using a standard one-page form. Officers are able to use their discretion as to how much further information they record, proportionate to the severity of the crime. I will ensure that that approach can be introduced nationally as soon as possible.

In today's report, Sir Ronnie celebrates the development and delivery of neighbourhood policing. Thanks to the hard work of forces and police authorities throughout England and Wales, there will be a team for every neighbourhood in April. More than 3,600 teams are now in place and 16,000 police community support officers have been recruited. Up and down the country, at public meetings and in street briefings, local communities are helping to influence their team's priorities. Throughout March, people will be hearing more about who their local teams are and how they can contact them.

I have asked Sir Ronnie to report back to me in six months on the progress we and the police are making to reduce bureaucracy. This spring, I will publish a Green Paper with proposals for greater flexibility for front-line officers and staff, greater reductions in bureaucracy, strengthened local accountability arrangements and a reformed performance management framework.

Sir Ronnie's report sets out a powerful challenge for how we can adapt to meet the demands of 21st century policing. We can do so by freeing police officers from unnecessary red tape; giving them the skills and tools for the valuable job they do; delivering neighbourhood policing in every area; and ensuring a better police service for officers, victims and communities alike. I am sure the police service and the Government will, working together, rise to that challenge. I commend the statement to the House.

David Davis (Haltemprice and Howden) (Con): I thank the Home Secretary for advance sight of her statement. I am glad that it, at least, was not lost in the post. I also thank Sir Ronnie for his invaluable contribution to the debate on police reform.

I agree with Sir Ronnie's assessment of the state of policing in Britain today. The question is, does the Home Secretary? Does she recognise, and does she accept, Sir Ronnie's candid assessment of 10 years of failed policy? In Sir Ronnie's own words, that policy has left the police subject to "perverse incentives", "a slave to doctrine", and "straitjacketed by process". Police spend a fifth if not more of their time on bureaucracy, and wade through a "raft" of targets – and that is just what Sir Ronnie was allowed to say.

The original draft, widely reported, included material that has been taken out, and which we have not been allowed to hear today. For example, why does the Home Secretary dispute Sir Ronnie's estimate that our police forces face half a million hours of audit inspection every year? On what basis did she delete references to the devastating effect of—again, these are Sir Ronnie's own words—"top down management", the "proliferation" of process and "declining public confidence", and Sir Ronnie's finding that the over-centralised Government of which she is a member is "part of the problem"? On pages 64 and 65, the original report refers to

"The focus on national priorities... and consequent decline in public confidence and satisfaction with policing".

The final report states:

"'Public satisfaction in the police... has shown gains"

since the 1990s. That is not quite the same, and I wonder whether the Home Secretary can explain the change.

We agree with many of the recommendations in the Flanagan report, even the Home Office-edited version. It demonstrates clearly that Labour's approach—over-centralised micro-management of the police—has failed. We have proposed an alternative approach, involving a locally controlled police force with officers on the street, free of unnecessary red tape and free to do the job of protecting the public.

Sir Ronnie has adopted a number of our ideas, including scrapping stop and account—to which the Home Secretary referred—and introducing virtual courts. Those and other common-sense measures will receive our support.

[David Davis]

But there again, we have been calling for a fundamental overhaul of police bureaucracy for years, and we have had more police reviews from the Government than we have had Home Secretaries.

Let us look at the specifics. The Home Secretary has expressed support for increased civilianisation of police functions. We introduced civilianisation 15 years ago, and we made some sensitive and positive proposals a year ago. Will the Home Secretary tell us her response to the president of the Police Superintendents Association, who said this morning that there was a limit to the scope for civilianisation in a large number of forces?

If the Home Secretary wants to make a real difference, she should simply adopt the whole Conservative agenda. She should scrap forms, starting with the stop-and- account form but including the stop-and-search form. She should slash targets—rather than just fiddling with them—and the army of auditors that goes with them. She should strengthen police powers of stop and search to respond effectively to incidents or threats of knife, gun and drug crimes, and she should reverse the health and safety rules that wrap officers in cotton wool and put the public at risk.

The Home Secretary can go further. Will she adopt our proposals to put police back on the beat, revise the Regulation of Investigatory Powers Act 2000 so that the police do not spend up to seven and a half hours filling in forms before they can stake out a known burglar's house, and restore charging discretion so that they spend less time waiting for the Crown Prosecution Service to make up its mind? Will she end 10 years of corrosive centralisation, and accept our long-standing call for locally elected police commissioners?

The Flanagan report is long and comprehensive, but it demonstrates two key facts: that the failure of 10 years of Labour's centralised micro-management has demoralised the police and debilitated public confidence, and that it is the Conservatives who understand what it will take to get police back on our streets, accountable to the communities that they serve.

After five—five!—studies of police bureaucratisation and 150 recommendations before this report, none of which has been implemented, will the Home Secretary please tell us when the Government will stop just talking about stronger law and order? When will they get a grip and deliver it?

Jacqui Smith: I am glad that the right hon. Gentleman did not have to put any extra work into his contribution by adding to what we had already read in *The Sunday Telegraph* last week.

The right hon. Gentleman made much play of Sir Ronnie's words. Let me quote what Sir Ronnie said in the introduction to his report:

"These additional resources have undoubtedly contributed to a significant improvement in performance, with crime falling by a third since 1997 and public confidence in the police, which had been falling consistently since 1982, rising since 2003/4."

When the right hon. Gentleman finally began to deal with the substance of the report, we heard a series of references to elements of measures that I have announced today, or had already introduced, which he supports. He supports the action we are taking on stop and account, although his right hon. Friend the Leader of the Opposition did say last week in *The Sun*:

"We will carry out a review to see how we would"

reform stop and search. We have identified how we will reform stop and account, and I referred today to the work that is already under way to reform stop and search within the Metropolitan police and more widely.

The right hon. Member for Haltemprice and Howden (David Davis) claimed that virtual courts were somehow an Opposition idea, but it is the Government who are now establishing the process in London. It has taken a Labour Government to deliver that. The right hon. Gentleman made some serious points—as did Sir Ronnie Flanagan—about the process of authorisations under the Regulation of Investigatory Powers Act 2000, but we have already removed the equivalent of 24 hours of police time per day as a result of earlier reviews, and we will of course go further.

I am sorry that the right hon. Gentleman chose to spend the vast majority of his time discussing the various versions of the report on which he has managed to lay his hands, and spent the rest of it regurgitating his *Sunday Telegraph* statement. I think that this issue demands more serious consideration, and that is what Sir Ronnie and the Government will give it.

Chris Huhne (Eastleigh) (LD): We welcome Sir Ronnie Flanagan's report, which is very much in line with many of proposals made by the Liberal Democrats over the years. Civilianisation, neighbourhood policing, increased use of technology and, indeed, a single case file system for the Crown Prosecution Service and the police should all be priorities. It seems to us, however, that as there has been substantial consensus on so many of these matters for such a long time, the real need is for action rather than recommendations. This is, to my certain knowledge, at least the fifth and perhaps the seventh review of modernisation in as many years. Sir Ronnie has suggested that the work force should be modernised over a 10-year period. Will the Home Secretary make a commitment to try to introduce some of the key changes rather more rapidly, particularly given the opportunities afforded by the retirement bulge?

It is important to reduce bureaucracy without impairing the safeguards against abuse. The proposal to cut the bureaucracy involved in stop and account is sensible, as no coercive powers are used by the police when it occurs. However, in the case of stop and search, the Home Secretary has announced an extension of police powers to tackle gang-related gun and knife crime, which is not recommended in Sir Ronnie's report and which would enable officers to stop and search in designated areas when an act of serious violence had taken place. Will she give concrete examples of circumstances in which the extensive powers for stop and search under part 1 of the Police and Criminal Evidence Act 1984, section 60 of the Criminal Justice and Public Order Act 1994, or section 44 of the Terrorism Act 2000 are failing—or is this another instance of the Government's addiction to reaching for legislative powers when what is needed is implementation?

Jacqui Smith: I thought that the hon. Gentleman was responding very seriously until the end of his remarks. Let me respond to some of his serious points.

I agree that there is much scope for both better efficiency and a better service to the public in work force reform. The hon. Gentleman suggested that that was not already under way. In fact, owing to the investment that the Government have been willing to make in increasing police personnel more generally, more and more time is being freed for police to spend on the front line. We see growing numbers of specialist staff, for example, working in roles such as the licensing of firearms and explosives, carrying out criminal records checks, front-office duties, and control room and CCTV activities; and increasingly in some of the work force modernisation pilots we see them working in areas including custody, training and some courts duties. Those and other efficiencies have enabled us to increase the time officers spend on front-line duties in each year since 2003-04 to the equivalent of having more than 5,000 more police officers on the front line.

I welcome the hon. Gentleman's welcome for our action on stop and account, which will be introduced quickly following the three-month trials Sir Ronnie recommends. On stop and search, we have evidence—such as in tackling gangs—that the section 60 search provisions the hon. Gentleman referred to are being used effectively alongside other action to protect people from guns and gang-related crime. We proposed their extension during the passage of the Serious Crime Act 2007 so that they can be used both before and after an attack takes place. That is a reasonable and proportionate use of the stop-and-search powers, and that is what will be introduced from this spring.

Keith Vaz (Leicester, East) (Lab): I welcome this excellent report and the Home Secretary's powerful commitments. As she will know, the Home Affairs Committee is about to start a major inquiry into policing which will begin in Newark and end in Monmouth. As several Committee members discovered on our visit to Hackney on Monday, the public want, as far as it is possible, a bonfire of blue tape, and also for visibility to be put at the heart of community policing—they want to see the police constable right at the centre of what is going on. I therefore hope that the Government's plans for neighbourhood policing will be rolled out, and it would be helpful if my right hon. Friend gave us a timetable. Also, might it be possible for us to get our old police boxes back?

Jacqui Smith: I thank my right hon. Friend for his comments. I am sure when he was in Hackney he was able to celebrate with local police officers and Hackney council the considerable fall in crime that has been achieved in that part of London. The local authority, the Mayor and the local police force deserve congratulations on that. I am not sure I can reassure my right hon. Friend on bringing back police boxes, but I hope I can do so on neighbourhood policing: I agree that it is fundamental to ensuring that communities have confidence and that it is important that police officers are a visible presence. We will, of course, be in a position to ensure that there are neighbourhood policing teams in every single community in this country by April this year. I know that local communities are already engaging actively with them.

Mr. James Clappison (Hertsmere) (Con): Further to what the right hon. Member for Leicester, East (Keith Vaz), the Chairman of the Home Affairs Committee, has just said, is the Home Secretary aware that three years ago the Committee published a report that found that not enough progress was being made in key areas of police reform? Is she aware that if that report had been responded to thoroughly and promptly, much of what she has promised today would not have been necessary because it would by now already have been accomplished? Will she give an assurance that during this process she will listen to what police officers themselves say? They have told me that they are still as frustrated as ever by the mountain of red tape that they have to confront, which has been introduced in the past 10 years.

Jacqui Smith: I shall of course listen to front-line police officers—as, in fact, Sir Ronnie Flanagan has done. Equally, I will listen to the public about the service they want from their police. For the hon. Gentleman to suggest that reform has not been successful at a time when the numbers of police personnel are increasing, their use is enabling police officers to focus more on their front-line activity and crime is falling, is a travesty both of the reforms and the progress that not only this Government but, more importantly, police officers and police staff have made over the past few years.

Alun Michael (Cardiff, South and Penarth) (Lab/Co-op): I hope that my right hon. Friend agrees that neighbourhood policing is not just about numbers, but that it requires a local partnership approach to cut crime. Will she make sure that the flexibility to which she referred at the beginning of her statement is driven by a clinical approach to measuring and cutting crime in local areas? On violence, which she highlighted, might she learn from the scientific approach introduced by a surgeon in Cardiff, which significantly cut violence by identifying exactly where it was happening and how? There are scientific approaches that could assist the police and which are not currently being used to the full.

Jacqui Smith: My right hon. Friend is right to say that an important aspect of neighbourhood policing is the partnership it is able to build up, including with local government, particularly using the crime and disorder reduction partnerships. That partnership has already led to the success of neighbourhood policing in helping to reduce crime and build confidence. He is also right to suggest that we should learn from important activities such as the one he described, where accident and emergency units identify the reasons that people come into their casualty departments, for example where drink is involved, so that action can subsequently be taken. I was pleased yesterday to be able to refer to the work being done across the whole of the south-east in making those links in order to cut violent crime.

Jeremy Wright (Rugby and Kenilworth) (Con): I welcome the fact that the stop form is to be scrapped, but it should never have been introduced in the first place. May I take the Secretary of State back to an issue raised by my right hon. Friend the Member for Haltemprice and Howden (David Davis), the shadow Home Secretary: the civilianisation of police functions? Does she accept that doing that might lead to the resilience of police forces in emergency situations being weakened, and will she reassure us that anything that is done to improve day-to-day efficiency will not undermine the capacity of police forces to respond in emergencies by bringing officers from back-office functions back on to front-line duties?

Jacqui Smith: It is worth while remembering that the stop-and-account form came out of the Sir William Macpherson review into the murder of Stephen Lawrence. Sir Ronnie has spoken to Sir William Macpherson, who says he is convinced that stop and account is an example of where the police have gone further bureaucratically than was intended by his eminently sensible recommendation to protect the police and the public and the relationship between them. The form was developed for wholly laudable reasons, but it is right, given that support and Sir Ronnie's recommendation, that we now get rid of it and find more effective methods. I disagree with the hon. Gentleman that having—to borrow Sir Ronnie's description—the right people in the right place at the right time, including using civilians where appropriate, makes the police less able to respond; in fact, it frees up police officers to do the jobs that only police officers can do. Therefore, the progress we have already made should be welcomed.

Ms Karen Buck (Regent's Park and Kensington, North) (Lab): The report includes many sensible recommendations that I wholly support. As a Member who has had two young men in my constituency lose their lives in knife-related violence in the past year, I am absolutely committed to anything we can do, including the use of stop-and-search powers, to reduce the number of guns and knives on our streets. However, may I remind Conservative Members that the accountability measures that were introduced after the Macpherson report came about because of the breakdown in trust between the police and many urban communities? Stop and search should be intelligence-led and not prejudice-led if we are going to retain community support in reducing crime. Will my right hon. Friend assure me that in cutting bureaucracy we will not lose that vital accountability of the police to our communities?

Jacqui Smith: My hon. Friend makes an important point and she demonstrates the difference between being able to get an easy headline and actually being able to deliver improvements by reducing bureaucracy while at the same time maintaining trust among our communities. We are taking the latter approach; unfortunately, Opposition Members have taken the opposite approach.

Dr. Julian Lewis (New Forest, East) (Con): Can the Home Secretary reassure members of the public and me about one of the more alarming aspects of the report that I read yesterday? I am talking about the suggestion that equal weighting is given in police targets to solving simple, low-level crimes and solving serious crimes. Is that the case? If so, it must be addressed because otherwise the police will naturally concentrate on solving lots of little crimes rather than the important ones.

Jacqui Smith: I do not believe that was ever the case, but we have recognised the concerns about the targets that we set on offences being brought to justice. As the hon. Gentleman says, serious violence should clearly be treated more seriously than other offences. That is why our new performance framework, starting this April, reflects the significance of serious violence in managing police forces' performance.

Mr. David Kidney (Stafford) (Lab): I thank my right hon. Friend for picking out Staffordshire police for particular praise in her statement. Does she agree that its strong performance can largely be put down to a succession of excellent leaders in its chief constables, up to and including the present one, Chief Constable Sims, and a very supportive police authority, which is ably led by Councillor Mike Poulter? When Staffordshire police tell me that they can implement the Flanagan proposals for cutting bureaucracy in just 12 months, I believe them—does she? If she does, will she assist them with getting started on that work straight away?

Jacqui Smith: My hon. Friend is right. He has brought to my attention the excellent work being done by Chief Constable Chris Sims and the police authority, which, as he said, is led by Mike Poulter. That work has also come to the attention of Sir Ronnie Flanagan, and I believe it also came to the attention of my right hon. Friend the Prime Minister last week. The way in which Chief Constable Sims has been able to reduce the recording crime paperwork while putting increased focus on victims is inspiring. As I have made clear today, the proposals should be rolled out quickly not only in Staffordshire but in the rest of the country in order to realise the massive potential that exists.

Hywel Williams (Caernarfon) (PC): I am sure that the Home Secretary will join me in paying tribute to the high quality of policing throughout Wales. Will she confirm that proper consideration will be given to the costs and difficulties of policing in rural areas when the new statistical profiles and the funding formulae are being developed? When I read chapter 2 quickly, I did not see any reference to that point, which is particularly important in the Welsh context.

Jacqui Smith: May I reassure the hon. Gentleman that Sir Ronnie had considerable engagement with the Welsh Assembly Government and with representatives of Welsh forces and police authorities in putting together his review. The issue that the hon. Gentleman raises is slightly different in terms of the formula used to allocate resources. The previous formula review considered the impact of rurality on the distribution of funding. I am sure that will be one of the issues that he will bring to our attention when we review that formula again, and it will, of course, need to be put into the mix when we consider that allocation.

Helen Southworth (Warrington, South) (Lab): Despite the fact that between April and December 2007 violent crime reduced by 13 per. cent in Warrington and personal robbery reduced by 31 per cent., we have experienced some serious crimes involving tragic loss of life. My constituents want significant further action to be taken to reduce crime on our streets. Can my right hon. Friend assure me that there will be no reduction in the number of police officers on the streets tackling crime in Warrington?

Jacqui Smith: My hon. Friend rightly draws attention to the importance of our investment in police officers and the work that is being done locally. I understand the particular circumstances that caused concern in her constituency. Next year, we will ensure that Cheshire police force receives a 2.5 per cent. uplift in the central police grant, including a 2.7 per cent uplift in the part of the grant that relates to neighbourhood policing. It is for the local chief constable to make decisions about the issues she mentions, but I believe that the Government have ensured that the resources are available to put the policing personnel in place to tackle crime and to ensure that her constituents feel safe.

David T.C. Davies (Monmouth) (Con): These reforms will be welcomed by all police officers, but may I recommend that the Home Secretary examines one other aspect? A growing number of people who are stopped by police for offending and dealt with by process are not being searched, even though many of them will have recent convictions for carrying knives, drugs or guns. Will she consider giving police the power automatically to do a non-invasive, pat-down search of anyone who is stopped for breaking the law but is not being arrested?

Jacqui Smith: It is quite difficult to envisage a search not being invasive. The hon. Gentleman makes the important point that we need to continue talking to police officers about the powers that they need to do their job properly, and I can certainly give him the undertaking that we shall do that.

Mr. Brian Jenkins (Tamworth) (Lab): As a Staffordshire MP, I welcome the report and I look forward to its implementation in Staffordshire. The Home Secretary is fully aware that this country has too many police authorities and that there is a wide divergence in their performance. How will she ensure that the best practice of the better-performing authorities is passed to lower-performing or poorer authorities? Will she consider introducing a light-touch audit on the authorities that perform well?

Jacqui Smith: If my hon. Friend is arguing, as I think he might be, for us to look at the performance management regime and ensure that it is proportionate in representing success but strong in challenging underperformance where it exists, he makes an important point. That will be an important element of the consideration that we will put into the policing Green Paper.

Mr. Henry Bellingham (North-West Norfolk) (Con): Is the Home Secretary aware that recently a number of high-profile cases have exposed the deficiencies and limitations of police community support officers—they have little training and limited powers of arrest, and are paid. In stark contrast, the specials, who do a superb job, are not paid, they are all volunteers, they receive high levels of training and they have normal police powers of arrest. What plans does she have to put more emphasis on the specials and to boost their numbers?

Jacqui Smith: Specials do an excellent job, their numbers are increasing and we should congratulate them on their work. However, to congratulate them while denigrating the crucial work that PCSOs do in communities across this country day in, day out short changes not only our communities but PCSOs and specials. It is about time that we recognised, as I believe people within policing do, that policing is about a range of contributions being made by the specials, PCSOs, police officers and police staff. To run down one particular section in order to make a point demeans the argument.

Ms Sally Keeble (Northampton, North) (Lab): I welcome the report and the shift in resources from the back office to the front line that it recommends. That is just what the public want. Will my right hon. Friend assure us that the kind of efficiency savings that are being talked about—2,500 to 3,500 officers-worth—will not be scooped up by Government generally, but will be redeployed and will produce the extra officers that people want to see, be they police officers, PCSOs or staff, such as forensic staff, who are civilians but who are key partners in the fight against crime?

Jacqui Smith: My hon. Friend makes an important point. We have rightly set strong efficiency targets for the police service, on which it has delivered well. The report is about ensuring that we can shift the resource that is already in policing so that, as Sir Ronnie appropriately puts it, we have

"the right people in the right places at the right times, doing the right things."

That is what this report and our action are about.

Philip Davies (Shipley) (Con): In my time on the parliamentary police scheme, I detected a debilitating culture in the police, whereby it seemed better not to make a bad decision than proactively to make a good decision. Police officers of all ranks seemed afraid of making decisions lest something went wrong and they were left hanging out to dry. Will the Home Secretary ensure that officers are given proper support when things go wrong through genuine mistakes and are not left in the situation that I have outlined? Will she ensure they are given more discretion to size up situations for themselves? They should not process people through the custody desks on cases that they know are not going anywhere just because they do not feel that they have discretion to size up the situation for themselves. That happens at the moment.

Jacqui Smith: I do not think that the hon. Gentleman meant this, but in my contact with police officers I have not felt that they have a debilitating culture. I have always felt that they have a can-do attitude in the way in which they respond. From a position of some experience, the hon. Gentleman makes an important point about how we can maximise discretion and support police officers in making split-second decisions in which it is appropriate that

[Jacqui Smith]

they have the support of the public. I have always provided that support for police officers and senior police officers in such circumstances when, sometimes, those on the Opposition Front Bench have not. The hon. Gentleman makes an important point about the way in which we provide that discretion and support and the Government are committed to ensuring that that will happen.

Mr. Gordon Prentice (Pendle) (Lab): But is not the police service the classic example of an organisation where the whole is greater than the sum of its parts? There must be a limit to civilianisation. Is not our drive for efficiency often seen in the police service as deskilling the organisation and losing its resilience?

Jacqui Smith: Of course there is a limit. There are important roles that only sworn police officers can play. In my experience, including of some impressive projects that I was looking at just last week, there is still great enthusiasm from police officers and others about the idea that we should ensure that whether someone is a member of police staff, a police officer or a police community support officer, they focus on what they are best able to do and therefore provide the best service to the public. We have seen good examples in both our work force modernisation pilots and other projects of increased police activity, increased public satisfaction, falling crime rates and—dare I say it?—general content all round. While we continue to see that, I would be keen to push on with those programmes. I know that they have widespread support across policing.

Mr. John Baron (Billericay) (Con): May I return the Home Secretary to a question posed by my right hon. Friend the shadow Home Secretary, which she never answered? When it came to Sir Ronnie's original draft of his review, why did she remove the reference to half a million hours spent on audit work?

Jacqui Smith: Sir Ronnie's review was written by Sir Ronnie and published today. It is written in his own words and I respect them.

Chris Bryant (Rhondda) (Lab): Is it not a mistake to go down the line of the hon. Member for North-West Norfolk (Mr. Bellingham) and praise one part of the police team rather than the whole police team? It is only when we have the civilian staff as well as the constables, the specials and the PCSOs working together that we can get what constituents want, which is a regular presence on the street, swift answering of the telephone, somebody there when there is an emergency and every claim taken seriously. It is not also important that we boost the specials? Would it not be better to have more local training of specials so that we could encourage more people to come into the force? Perhaps we could consider a small honorarium of £500 a year for specials.

Jacqui Smith: My hon. Friend makes an important point about the range of police personnel. The fact that the Government have been willing to invest so that there are 25 per cent. more police personnel now than there were in 1997 is very important. He makes some interesting points about the specials, which I shall certainly consider as we approach the Green Paper on policing.

TOPICAL DEBATE

NHS Staffing

1.13 pm

The Parliamentary Under-Secretary of State for Health (Ann Keen): I beg to move,

That this House has considered the matter of NHS staffing.

This July, we celebrate the 60th anniversary of the national health service. As the Prime Minister said in a recent speech, it is not only a great institution but a great, unique and very British expression of an ideal. Health care is not a privilege to be purchased but a moral right secured for all.

Over the past six decades, the NHS has cared for tens of millions of people and saved many hundreds of thousands of lives. It has been at the forefront of innovation in health care, pioneering advances in medical treatment, such as triple therapy for TB; in surgery, such as artificial hip replacements; and in imaging, with the development of MRI scanning. With its unique offer of health care free for all at the point of need, it has liberated us all from the fears of unaffordable treatment and untreated illness.

As we begin to celebrate the achievements of the NHS over the past 60 years, it is right that as new technologies emerge, as expectations rise and as health care needs change we look ahead and continue to reform and renew the NHS for the future. Indeed, the birth of the NHS was not easy. Aneurin Bevan had not only to persuade his colleagues in Cabinet that all hospitals should come under the umbrella of the new national health service but to fight to establish the NHS in the face of concerted opposition in Parliament from the Conservatives, who voted against its establishment at each turn, and outside from the British Medical Association, I am afraid, which was equally opposed to the idea.

David T.C. Davies (Monmouth) (Con): Is it not the case that the NHS came about as a result of the Beveridge report in 1942 and was supported by the glorious leader of Parliament at the time, Winston Churchill, who was a Conservative MP?

Ann Keen: The hon. Gentleman should check the facts. The Bill that set up the NHS was voted against on Second and Third Reading. That was very sad.

Babies born into the NHS in 1948 have had the opportunity of 60 years of the NHS. The NHS is one of the biggest employers in Europe and now employs more than 1.3 million staff. That level of staffing is required to provide the standard of health care that people demand and the significant improvement in health care provision that we have seen over the past 10 years.

When we launched the NHS plan in 2000, the public made it clear that their top priority was to have more staff working in the NHS. More staff are working in the NHS in England now than in 1997. There are almost 11,500 more consultants, more than 35,000 more doctors and nearly 80,000 more nurses in the NHS than there were in 1997.

Mr. Henry Bellingham (North-West Norfolk) (Con): The hon. Lady is explaining things very clearly. Is there a problem at the moment with the highly skilled migrant workers scheme, particularly at a time when a number of locally and fully trained doctors are having a great deal of difficulty finding jobs?

Ann Keen: As has been stated—I think the announcement came out today—migrant doctors are always welcome to work in the NHS, as they have been for the past 60 years. Without them, the NHS would not have reached the strength that it has today. However, the scheme involves training places, and that has been decided in a court of law.

In addition, as I said, the investment has helped improve the delivery of treatment and care across the NHS and has driven down waiting times. The health budget has nearly trebled from £35 billion in 1997 to £90.4 billion. That investment in resources and staffing has had a dramatic effect on the health of the nation. Our reduction in the amount of time that people have to wait—

Mr. John Baron (Billericay) (Con): I thank the Minister for giving way; she is being very generous. On the issue of staffing, will she not accept that the Department of Health's figures have recently shown that the number of managers and bureaucrats has grown at a faster rate than the number of doctors, nurses or consultants during the past 10 years? Does that not reveal a problem with bureaucracy in the NHS?

Ann Keen: The hon. Gentleman's point is not relevant to the management of a service that is very complex. Health care is not easy to deliver. It requires excellent management and excellent leadership. The managers are not there to be bureaucrats, but to manage a complex system. They manage it professionally and in the best way.

The average in-patient wait for treatment has been slashed from more than 13 weeks in 1997 to around 4.5 weeks now. That is possible only with good management. More than 98 per cent. of patients now wait less than four hours in accident and emergency. That is an amazing, genuine and much-needed improvement. Over 1 million more operations a year are carried out now than in 1997, and 99.9 per cent. of people with suspected cancer are seen within two weeks of being referred. The number of heart operations has more than doubled since 1997.

That has been achieved by investing in staff in the NHS. The service employs many more talented people, and they have shown consistently that they are capable of rising to whatever challenge the future holds. The Government are enormously grateful for the work that they do and want to support delivery with the appropriate resources.

There are, of course, problems that still need to be dealt with, and many challenges to overcome. The Government are looking to continue to improve the NHS at all times. Our assessment is that we are around two thirds of the way through the reform programme that we set out in the NHS plan in 2000.

Mr. Peter Bone (Wellingborough) (Con): Do the Government know how many whole-time equivalent dentists there are in the NHS?

Ann Keen: I cannot answer the hon. Gentleman now. I shall try to get an answer for him during the debate and, failing that, I shall write to him. However, I can tell him that the health of the nation's teeth and the state of our children's oral health are among the best in Europe. I praise the work being done by dental practitioners in the NHS.

The challenge facing us now is to complete the job of reform. My noble Friend Professor Lord Darzi of Denham is leading an in-depth review throughout England. For the first time, we are including clinicians and staff at every level, as well as patients, charities, organisations in the third sector and all the bodies that help everyone in the NHS in developing work force planning. I have the privilege of chairing the work force group, and I am grateful for all the time that has been made available to ensure that the work force of the present and the future—who will take the NHS through the next 60 years—reflect the changing needs and demands of health care in the 21st century.

The interim report from the Lords lays out a vision of a world-class NHS that is fair, personalised, effective and safe. The final report is due later this year, and will set out how we can deliver that vision and secure the NHS for the future.

I want to pay tribute to the staff of the NHS. In particular, I want to praise the work of all those volunteers who are not classified as staff but who are very much part of the work force, as they have been since the inception of the NHS in 1948. Those volunteers give of their time so that patients get that extra bit of care that professionals are sometimes unable to deliver.

In the US, for example, there is no national health provision, and the result is that more than 40 million families there worry every day about how to get the care that they need. We do not have that problem, thanks to the work done by Beveridge and the Attlee Government in 1948. We in this House have a duty to protect the NHS, and to make sure that it has the right work force. The care that it delivers must be safe, progressive and personalised, and that is our goal for the future.

1.23 pm

Greg Mulholland (Leeds, North-West) (LD): I warmly welcome this opportunity to debate this broad topic, although I am not sure what we have learned about NHS staffing from the speech that the Minister has just completed. It made no reference to the real problems experienced by NHS staff.

The Government seem to have a paradoxical approach to their stewardship of the NHS. No one doubts their commitment to trying to make it work better, and it is factually correct that investment has increased. However, their management of the NHS is not delivering the necessary return on that investment, or delivering the real, positive change that the Government themselves recognise as necessary.

At the heart of that paradox is the fact that this Government seek to control everything from Whitehall. Too often, they employ a one-size-fits-all

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approach, yet at the same time they seem to have something of a feudal, divide-and-rule attitude to NHS staff. Their running battles and regular and increasingly bloody skirmishes with different sectors of the NHS are causing resentment, disillusionment and anger among the people on whom we rely for the delivery of health services in this country.

We are also still reaping the results of botched contract negotiations and inadequate work force planning. Taken together, those problems are holding back the NHS, at a time when it should be allowed to prosper and flourish.

The 2006 Health Select Committee report branded work force planning in NHS a "disastrous failure". More recently, Lord Darzi's report outlined the need for an overhaul of work force planning and the commissioning of education and training. So far, however, it seems that very little has changed.

There is an overall equation that at the moment simply does not balance. Staff have been taken on with no long-term thinking but simply to achieve centrally imposed targets. People have been laid off or denied training places so that NHS trusts can balance their books. Like MPs all over the country, I have had junior doctors, nurses and physiotherapists visiting my surgery or writing me letters because, after all the hard work that they have done—and all the training that they have received at great cost to the taxpayer—they simply cannot find a job.

Yet huge amounts of money—some £1.18 billion in 2005-06—are being spent on agency nurses. They are hired at huge cost to the taxpayer, but better planning would mean that a great proportion of that money could be spent on health care and on areas where there are real gaps in NHS staffing.

Of course, the Department of Health has increased the number of training places and encouraged more people to apply for them, but it did not ensure that sufficient jobs would be available down the line for newly qualified professionals. On the one hand, there are real concerns over staffing levels—especially in maternity and other areas—and about the overuse of agency staff but, on the other hand, we have disillusioned young people unable to pursue their chosen careers. The careers that those people want to pursue are needed and valued by society, yet nurses are currently leaving the country in their thousands.

Mr. Bone: I am listening to the hon. Gentleman with interest, and I agree with much of what he has said. Does he agree that so many people leaving medical school are not getting jobs because medical professionals from Europe and elsewhere have been encouraged to come into the NHS? Is not that part of the mixture that is causing the problem?

Greg Mulholland: That is an interesting question, but the overall approach to staffing in all sorts of areas simply does not add up. I mentioned maternity services: we all know that there has been a failure to recruit enough midwives to provide the one-to-one care that the Government have promised. Birth rates are rising, many midwives have retired, and the problem can only get worse. If it continues, the chronic shortage of midwives could also force the closure of small childbirth centres across the country—just when the Government, quite rightly, are pushing forward with trying to give women real choice about where and how they have their babies.

I turn now to the increasingly damaging row between the Government and GPs, in particular over extended hours. The Government are trying to paint that row as one between them and the "unrepresentative" British Medical Association, not doctors. The Government are trying to suggest that the BMA is not willing to offer more extended opening hours, but all the doctors to whom I have spoken say that they support some form of appropriate extended hours. As a result, they feel that they are being ignored and dictated to.

Everyone agrees that extended hours are a good thing and, crucially, doctors agree with that too. The doctors in my constituency—indeed, all the GPs and their representatives to whom I have spoken—have made it clear that they would be more than happy to offer extended opening hours to their patients. However, they also have a very good idea of their own practice and their patients' lifestyles and needs, so they have different suggestions as to how extended opening hours could be offered to fit both their practices and, crucially, their patients' demands.

Ann Keen: The so-called dispute with the BMA is about a 10-minute difference between what we want patients to receive and what the BMA is proposing. That is in the context of an investment of £158 million. We believe that GPs will support the interests of their patients.

Greg Mulholland: That is exactly the kind of approach that is doing so much damage. It is about dictating, not listening. The row must be resolved by working together with doctors, and in partnership with GPs. The experience with dental contracts has shown that an imposed solution that is not acceptable to the medical profession will not work. Members may be slightly surprised to see me waving the flag for conflict resolution and peace, but it is vital for the future of primary care that a solution be reached with doctors. I hope that the Government and doctors sit down together to work through the issue, and that a flexible, sensible solution is found that works to the benefit of all.

We need partnership, a much more flexible approach and much more local decision making, including on NHS staffing. We need real, long-term, strategic work force planning across the NHS. Instead of top-down solutions from Whitehall, we need solutions that are tailored and adapted to different needs and situations across the country.

Ann Keen *rose*—

Greg Mulholland: I will give way, but I am not sure whether I get any more time for doing so.

Ann Keen: Lord Ara Darzi's review does exactly what the hon. Gentleman wants: it involves clinicians and patients. My question to the hon. Gentleman is: does he support the Ara Darzi review?

Greg Mulholland: I support the review of the current situation, but the Government have been in power for almost 11 years, and it seems a bit late for a complete overhaul of the way in which we run our NHS.

The Government should stop trying to look tough all the time, stop alienating staff and stop alarming patients. They should come up with workable solutions that meet local health care needs. For now, the skirmishes carry on. They are draining and distracting for all sides, and are not conducive to the provision of health care, which clearly requires Government, local health care organisations and the professionals to work together. The Government are ignoring the cause of our nurses, have lost the trust of our junior doctors, and are now at war with GPs. They are trying to control instead of guide, dictate instead of empower, and micro-manage instead of devolve. That is not the way for the NHS to achieve its potential, and it is time for a change of approach. It is time, at last, for the Government to listen.

1.32 pm

Mr. Richard Spring (West Suffolk) (Con): On behalf of everybody present, and indeed on your behalf, Madam Deputy Speaker, and the behalf of every Member, may I pay tribute to the wonderful work done by doctors, consultants and nurses, and the ancillary workers who are often the unsung heroes of the NHS? As the hon. Member for Leeds, North-West (Greg Mulholland) says, there are tensions within the NHS. It is therefore simply beyond belief that not one Labour Member of Parliament intends to speak in this debate on NHS staffing. I hope that when the Minister makes her final comments, she will apologise for that, as it sends out a curious message to all those in the NHS who are under considerable stress.

In recent years, the NHS has faced a number of problems, not least in Suffolk. The county has been hit by cash crises, service cuts, closures and redundancies. Our hospitals are continually on black alert. In the past 10 years, the number of available beds has been cut from 1,501 in 1996-97 to 1,194 in 2006-07. What is really sad is that community nurses and doctors have told me that the local hospital, the West Suffolk hospital, is being forced to discharge patients prematurely. Of course, the hospital is doing everything in its power to mitigate those unfortunate circumstances, but the situation has arisen because of very tight finances. The problem is that there are insufficient numbers of intermediate care beds, ever-increasing pressures on staff, and a top-down, centralised, target-driven culture that continues to drive front-line clinicians in our NHS to despair. That is well known.

Chris Bryant (Rhondda) (Lab): I often hear the argument that there is too centralised a system in the health service, and many of us would sympathise with it, but there is a corollary: everybody also complains about the postcode lottery. There is a contradiction in many people's arguments. How does the hon. Gentleman resolve that contradiction?

Mr. Spring: Of course the hon. Gentleman is right to say that there are difficulties. Naturally, the problem that it is possible to obtain a certain form of treatment in one part of the country but not another has to be resolved, but I am not really talking about that. I am talking about a culture that has caused people to be pushed out of beds prematurely—that is the view of community nurses and doctors—simply because of the pressures of centralised targets and control. That is quite different from the dilemma that he rightly mentions. There is a great sense of despair among many of those who work in the NHS. The result is that our GPs are forced to pick up the pieces, which is difficult. I was talking to a GP in my constituency about that only yesterday.

Having targets for capacity in our hospitals raises the risk of superbugs such as clostridium difficile and MRSA. There have already been worrying increases in the number of superbug cases in some of the hospitals in the eastern region. Both West Suffolk and Ipswich hospitals have experienced increases in C. diff infections among patients over 65; in contrast, nationally there is improvement to the problem. Vomiting and diarrhoea bugs are commonplace. It is truly horrific that some elderly constituents of mine are now scared to go into hospital because of those bugs.

I reiterate that our doctors, nurses and ancillary workers do a wonderful job, but they are struggling to cope. Job cuts have simply not helped the situation. I acknowledge that, as the Minister said, since 1997 the number of staff employed in the NHS has grown, but since September 2005, some 38,000 jobs have been cut from the NHS. Last year, almost 7,000 nursing jobs were lost. The total number of qualified nursing, midwifery and health visiting staff employed by West Suffolk Hospital NHS Trust has decreased by 9 per cent. since 2004. The number of professionally qualified clinical staff has decreased by 8 per cent. since 2003.

Ann Keen: The vacancy rate for nurses is 0.5 per cent., which is the lowest level for six years. The nursing work force are to be congratulated on that.

Anne Milton (Guildford) (Con): It's the number of nurses.

Ann Keen: The hon. Lady mentions nurses; they are an important part of the work force. In fact, they are the largest part of it. It is important that we get our facts right.

Mr. Spring: I note that the Minister does not contradict the fact that I mentioned about the diminution in numbers. It is based on information that is beyond dispute; the figures are official statistics.

Sir Nicholas Winterton (Macclesfield) (Con): I am sure that the Minister knows what I am about to ask my hon. Friend. There is a shortage of midwives in the national health service—a fact that is widely publicised by the Royal College of Midwives itself. There is also a shortage of student midwives. If the Government are to meet the guarantees in the Midwifery Matters strategy, the midwifery profession in the health service must be provided with more money, so that it can ensure safety in birth and the delivery of post-natal work.

Mr. Spring: I am most grateful to my hon. Friend for making that point. He is entirely correct; the UK birth rate is increasing appreciably, so not only has there been a shortage of midwives but with the rising pattern of births the situation can only get worse.

The statistics I gave are not in dispute, but in various parts of the country accident and emergency attendances put huge pressures on the staffing resources of hospitals. At West Suffolk Hospital NHS Trust, A and E attendances

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have soared by 34 per cent. since 2001-02, at the very time when there have been staffing cuts at the hospitals and a reduction in the number of beds.

There has already been an allusion to the recruitment of doctors. It is a growing problem in Suffolk, so I welcome the Government's announcement today that they are attempting to preserve health service jobs for British graduates. However, budgetary constraints are another reason why junior doctors struggle to find employment; GP practices are unable to fund extra posts. I have had many conversations about that point with GPs in my constituency.

I am constantly told by constituents and people who work in our hospitals that rather than cuts we desperately need more doctors and nurses in the local NHS, reversing the pattern of the past few years, yet instead the number of NHS managers is increasing three times as fast as the number of nurses. Between 2005 and 2006, twice as many nursing jobs were lost as managerial jobs. In the east of England, there has been a 4.9 per cent. increase since 1997 in the number of manager and senior manager positions—from 2,027 to 3,126—yet there has been only a 2.8 per cent. increase in the number of nurses, from 29,424 to 37,377.

Ann Keen: It is important to get the facts right. Our training levels for doctors have never been higher. The recruitment and retention rates for junior doctors, and for GPs in particular, have never been higher. It was right that we looked at their contracts some time ago, which has helped considerably in recruitment and retention, but I do not recognise the claim that there is a shortage. There are areas with inequalities and it may be more difficult to recruit GPs to them, but training in our medical schools, in particular for GPs, has never been at a higher level.

Mr. Spring: I agree that the level of training for doctors is of high quality, but over the last few years, because of the appalling mismatch between the training and production of junior doctors and the lack of opportunities, many of them have been unable to find jobs, so they have emigrated. I am pleased about the Government's announcement, but I hope the Minister will not resile from the fact that over the last few years the morale of junior doctors has been severely tested by considerable confusion on the part of the Government, the results of which are clear to see.

Mr. Bone: My hon. Friend is making a powerful speech. Does he agree that one of the problems is not the number of doctors trained but the number of vacancies? In some cases, up to 20 qualified doctors apply for one post; on average three times as many people apply as there are posts.

Mr. Spring: My hon. Friend is entirely correct. In close memory, we saw junior doctors walking through the streets of London in protest against what had happened—an unprecedented situation in the history of the NHS.

Management costs in the Suffolk primary care trust increased by 22 per cent. in the last financial year. Amazingly, there are now more people managing and organising the NHS than there are beds. I hope that some justification can be given for the astonishing payments to officials in our strategic health authorities, where massive salaries are paid. My dealings with the East of England SHA have not inspired me with confidence that the organisation is on top of the role it is meant to play.

Mr. Baron: We all accept that there is a role for good management in any organisation, including the NHS. Does my hon. Friend feel that sometimes when we talk about bureaucracy the Government misrepresent the argument to make it seem as though we are attacking management, whereas in effect we are saying that there is room for good management but we must look at the costs of bureaucracy in the NHS for the benefit of all patients and staff?

Mr. Spring: I entirely agree. Of course, good management is important but I do not think my hon. Friend will disagree that the extent and volume of management, especially in our SHAs, has not been particularly productive and is extremely expensive. Considering the ever-greater pressures on the NHS, because of demographic and other factors, there is a mismatch, which is exactly the point he was making.

At West Suffolk hospital, there has been an increase of 184 per cent. over the past six years in the amount spent on salaries and wages for managers and senior managers. There has also been an 82 per cent. increase in the amount spent on salaries and wages for administrative and clerical staff. The figure has nearly doubled, yet there has been only a 73 per cent. increase in the amount spent on salaries and wages for nursing, midwifery and health visiting staff—from £16.6 million to £28.7 million.

The Prime Minister's own independent reviewer of NHS finances, Sir Derek Wanless, said that little benefit has been gained from the huge pay deals that were a consequence of "Agenda for Change". The Select Committee on Health criticised the Government's poor financial planning:

> "The Government's estimates of the cost of Agenda for Change and the new GP and consultant contracts proved to be hopelessly unrealistic".

Last year, while nearly £1.5 million was paid in bonuses to 231 "senior" civil servants in the Department of Health, a county such as Suffolk struggled to cope with an unfair funding allocation and considerable debts.

Like many other parts of the country, Suffolk has an ageing population. The number of people aged 65 or over has increased by 11 per cent. since 1997; 19 per cent. of the population of Suffolk are now aged 65 or over. Furthermore, much of my constituency is rural, which adds to the problems. That lies at the heart of the NHS funding problem.

Our local NHS struggles to match the needs and demographics of the local population. The Minister talked about inequalities, so I shall address that point firmly. For 2007-08, the per capita spend on the NHS was £1,156 in my constituency, well below the national average of £1,388. However, in the Prime Minister's constituency in Scotland, which does not experience the health crises that people have to put up with in a constituency such as mine, the per capita health spend was £2,019, almost double the amount in Suffolk, so the service cuts and huge debts in Suffolk have not happened in his constituency.

Sir Nicholas Winterton: My hon. Friend is making a most interesting speech. I am most impressed by his statistics. Has he any statistics about the problems relating to mental health, where the shortage of professionally qualified staff is creating problems for GPs?

Mr. Spring: My hon. Friend has always made an enormous contribution in the House on health matters, in which he takes a close interest. His question is about what is commonly described as the poor relation of the health services. I do not have specific statistics about the problem, but I am sure that he agrees that one of the tragedies in how mental health has been handled, from a financial and back-up point of view, is that many individuals who are tragically caught up in the vortex of mental ill health land up in the criminal justice system, where they remain for good. Nothing is more tragic in personal terms; it is also very destructive for society as a whole.

I welcome the 5.5 per cent. increase that all PCTs are receiving in 2008-09, but it does not sufficiently address the problem that I have outlined. I have met officials at the Department of Health on several occasions to discuss the funding given to Suffolk, and have spent a great deal of time examining the funding formula that distributes funding to PCTs. The strategic health authority has accepted that we get a particularly raw deal. Rural areas such as Suffolk—many of my hon. Friends will be in exactly the same position—have been adversely impacted by a funding formula that discriminates against them.

I raised the issue at a meeting with a former Secretary of State for Health, and she agreed that if the NHS structures in Suffolk and elsewhere were in financial balance by last spring, she would re-examine the problem of rurality as part of the NHS funding formula. I hope that the reason why the advisory committee on resource allocation has requested more time to finalise its review of the resource allocation formula is that it is seriously examining the rurality factor. I eagerly await the report, which we hope will finally be published this summer. I hope that the revenue allocation in my area will be considerably greater. The impact of the cuts on staffing is just one manifestation of the negative effect that the skewed funding formula has had in Suffolk and other more rural parts of the country.

At the level at which most people have contact with the NHS, I fear that we are seeing a similar discriminatory effect. Haverhill, which is the largest town in my constituency, is being affected by the operation of the Carr-Hill formula, especially through its effect on the weighted list size of each practice. That has caused considerable distress to my constituents. I touched on the national funding formula and the fact that it has thrown up various anomalies over the years. Now we have an anomalous situation closer to home.

For most people, contact with the NHS is most frequently made through their local GP surgery. A general practitioner is invariably the first port of call for people seeking help and GPs are hugely trusted in the local community. Yet the application of the centrally determined Carr-Hill formula has resulted in the town in my constituency which is the largest and most rapidly expanding in the whole county experiencing cuts of £280,000 for the local GP practices. That has meant that those practices will have to cut back, possibly remove staff, and make additional savings.

People read the huge headline rates of supposed increases in spending in the NHS and they hear about the increased commitment by the Government, but they cannot marry that up with the fact that they see cuts in the local hospitals, beds being removed, staff given the sack, and the GPs in the biggest town in my constituency up in arms because they are faced with substantial cuts—about £280,000. The community has come together in an unprecedented way. Petitions signed by more than 10,000 people have been delivered to No. 10 Downing street and to the House.

People cherish the NHS and want it to work. They cannot understand why such situations continuously arise. Having to deal with the consequences is hugely undermining for those who so loyally work in the NHS. I read Lord Darzi's proposals with great interest. In the report published last autumn, he proposed that each PCT should have a new GP-led health centre. I am delighted that an initiative is under way in Suffolk that may bring one of those new walk-in centres that is open from 8 am to 8 pm to Haverhill in my constituency.

However, that does not offset the fact that one of the consequences of the budget cut in Haverhill, with its impact on staffing, is that some of the satellite surgeries that the GPs were able to operate in the villages surrounding the town will be cut, notably in the village of Kedington. People have got used to having a satellite surgery and they value it because public transport is limited. Because of staff pressures resulting from the cuts, the surgery there will be cut again. That undermines people's confidence in the NHS. They keep asking where all the money has gone. Such is the outrage in the village, where the GPs are held in high regard, that we are holding a public meeting. I will do everything in my power to encourage the survival of the GP surgeries, because they are held in great esteem.

During the past 10 years the whole of the NHS has suffered badly, but in Suffolk it has been hit particularly hard. As the Minister said, the NHS marks its 60th anniversary this July. It was based on the founding principle of providing health care for all citizens and it is very much cherished, yet if the Minister has listened to what I said—I have tried to cite the statistics as accurately as possible—she will accept that people question whether that principle is still upheld. They do not understand what is happening.

Our hospitals are at bursting point. There is no question but that staff morale in the NHS is very low, we do not have enough beds, patients are being discharged too early—not for clinical reasons, but because of the target-driven culture—and the obsessive bureaucracy is impacting on the lives of our doctors and nurses. When patients go into hospital, there is the danger, as a consequence of superbugs, that they will leave in worse health than when they were admitted. There is the prospect that some of my constituents will be without a local GP surgery. As the elderly population grows, the situation will become worse.

In conclusion, yes, there has been an increase in staffing overall, although recently that has not been the pattern locally. Yes, more money has gone into the NHS and technology has improved. But my

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constituents share the concerns of doctors, nurses, community nurses and ancillary workers about what is going on in the NHS. Despite all the good intentions that may exist, morale is probably at its lowest point in the history of the NHS. That is a terrible indictment of what the Government have done.

1.57 pm

Anne Milton (Guildford) (Con): I associate myself with the comments of my hon. Friend the Member for West Suffolk (Mr. Spring) about staff in the NHS and I, too, pay tribute to them. Seventy per cent. of NHS funding is spent on staffing, and the effectiveness of the NHS depends on that work force. The recruitment, training, professional development and morale of the work force are crucial to the effectiveness of our NHS.

There has been an absence of planning for and with staff to ensure that they can deliver the care and services that people need. My hon. Friend the Member for West Suffolk spoke about morale. The Health Committee report in 2007 stated that there has been a disastrous failure of work force planning. Although I always enjoy a history lesson on the inception of the NHS, I was disappointed that the Minister did not address work force planning, which is central to today's debate.

What are our NHS staff doing? A survey of nurses last year found that 66 per cent.—two thirds—spent more than a third of their time on paperwork. Eighty-one per cent. said that less than half the forms were important for patient care. The nurse of the year last year said that some days she did not see a patient, and that was not good. She said that she was a nurse and she wanted to nurse—that was her profession. She cited "constant pressures with bureaucracy" as her primary reason for leaving.

What about the money? In 2006, the NHS paid out £192 million in severance and redundancy payments. We have heard about the scandal of the pay-offs that the chief executive of Maidstone and Tunbridge Wells NHS Trust might receive. The Health Committee mentioned the huge growth in funds, and nobody would doubt that the Government have made considerable investment in the NHS. The question is about what they have done with the money.

The Health Committee also talked about the demanding targets that are now set and the staff increases that far exceeded the NHS plan. The NHS was spending too much, and boom quickly turned to bust. The nurse of the year said:

> "Sitting in meetings we are constantly being told: 'We're going for this cheaper option with this bandage; we're going for that cheaper option with that dressing; we need to be mindful of resources; we need to watch what we are spending'. I'm absolutely fine with that—I run my household like that—but what I see as a waste of resources is when I'm sitting in a big meeting, and as a clinician I am the cheapest person there at £35,000 a year, and decisions are still being put off to another meeting."

Mr. David Evennett (Bexleyheath and Crayford) (Con): My hon. Friend is making an excellent speech; we are listening with great interest. Is she aware that in my area, the accident and emergency units and maternity units are threatened with closure? That is disillusioning staff—hard-working nurses and midwives. They fear that the closures are due to financial pressures, not clinical need.

Anne Milton: My hon. Friend makes an excellent point—*[Interruption.]* The Minister is smiling, but she would be wise not to. The problem is that the Government have put huge resources into the NHS—more than three times as much in 10 years. However, what is happening to that money? The Health Committee stated:

> "There has been a disastrous failure of workforce planning."

It went on to say that there is

> "constant re-organisation including the establishment and abolition of Workforce Development Confederations within 3 years. The planning system remains poorly integrated and there is an appalling lack of coordination between workforce and financial planning. The health service, including the Department of Health, Strategic Health Authorities (SHAs), acute trusts and Primary Care Trusts (PCTs), has not made workforce planning a priority."

In other words, the Government have not made NHS staff—70 per cent. of what the money is spent on—a priority.

Ann Keen: Where is the evidence that the NHS does not make work force planning a priority? I chair a group under the Lord Darzi review—the first ever that involves all aspects of health care workers and those from the voluntary sector. Does the hon. Lady accept that that is good practice?

Anne Milton: I accept that the report from which I was quoting was produced by a Committee with a dominance of Labour Back Benchers, and was chaired by a Labour Member. I am simply quoting a report that has come from the Minister's own party's Back Benches.

The Audit Commission is reviewing the SHAs' work force planning but that is to be kept a secret. There is fury in the press about that. Reference has been made to NHS managers. It is not that we do not need managers; one of my hon. Friends made the very good point that the NHS is enormous and needs management. However, there has been a 73 per cent. increase in the number of managers since 1996 and only a 31 per cent. increase in clinical staff.

Ann Keen *rose*—

Anne Milton: I shall not give way because I am short of time and the clock is not stopping.

Some £1.8 billion has been spent on agency staff. My hon. Friend the Member for Macclesfield (Sir Nicholas Winterton) has a particular interest in midwives; the Royal College of Midwives is extremely concerned about the rising birth rate. It is up by 16 per cent. in London; there are 72,000 more babies. The number of deliveries per midwife has gone up. The NHS maternity services budget is shrinking, as is the NHS midwifery work force. We need more student midwives. There have been fewer training places in the years 2002-03, 2003-04, 2004-05 and 2005-06. Although there has been a significant increase in the number of nurses, there are now cuts in the number of specialist nurses

and posts are being frozen. Some 180,000 nurses are due to retire in the next 10 years, and more than half rated their morale as very poor or considerably poor in a recent survey.

The Department of Health itself has predicted a shortfall of 14,000 nurses by 2010. Independent research shows that the mortality rate in hospitals with the lowest registered-nurse-to-patient ratio is 12 per cent. The number of nurses per patient is literally crucial to the survival of patients. I could go on about physiotherapists. More than 2,000 physiotherapy students graduated in 2007, but only 25 per cent. have a permanent job. Some 49 per cent. have not been able to find one.

We cannot walk down the street without a cardiologist pulling us away and inserting a stent. Yet the 66,000 people newly diagnosed with heart failure and the 345,000 people newly diagnosed with angina are not getting the cardiac rehab for which they are desperate.

Ann Keen: Will the hon. Lady give way?

Anne Milton: I would love to, but sadly time does not allow me.

You have had 10 years of government, Madam Deputy Speaker

Madam Deputy Speaker (Sylvia Heal): Order. I remind all hon. Members that that does not involve me personally. Perhaps the hon. Lady would like to rephrase her comment.

Anne Milton: I apologise, Madam Deputy Speaker. The Government have had 10 years to get a grip on the situation, yet there has been an abject failure of planning for our NHS work force. The Government thought that all would be well if they chucked money at the NHS. In fairness, they have done that, but they have not considered what has happened to the money. One could consider it quite a feat that a Government who have given large pay rises to staff—particularly GPs and consultants—should also have managed to be so disliked and to drive morale down.

We have mentioned targets. I recently had a conversation with an A and E physician who is unable to keep his patients who are waiting for an intensive care bed on at A and E simply because the manager wants them up in the medical ward, where they are less well looked after, so that he can meet his targets. The Royal College of Nursing states that there are serious deficiencies in work force planning and that they need to be addressed. There is an all-time low of health visitors, despite the fact that health inequalities are rising. The Secretary of State himself said last year:

"The reality on the ground is that there is a gloomy mood. There has been an awful lot of change in a short period and staff feel overwhelmed by it."

The verdict on the Government's work force planning is definitely D-minus—*[Interruption.]* The Minister is smiling again, but I do not think that NHS staff will share her joy. "Could do better"—it is a disgrace and appalling. I urge the Minister to stop listening to her officials at the Department who reassure her, and instead face up to the truth. In many areas, the NHS work force is in freefall. The incompetence shown by the Government is outstanding—

Madam Deputy Speaker: Order. The hon. Lady's time is up.

2.7 pm

Mr. Peter Bone (Wellingborough) (Con): I congratulate my hon. Friend the Member for Guildford (Anne Milton) on a powerful exposure of the situation. I know that she would have liked to give way to the Minister, but she could not because of the time limit. The Minister can intervene on me as much as she likes. We are lucky that she is here today; she has detailed knowledge not only from her previous and current roles, but from her intermediate role with the former Chancellor.

I should like to start by praising NHS staff, who are extraordinary people. I am not thinking only of doctors and nurses, but I will single them out for praise. It is no secret in the House that five years ago my wife was diagnosed with liver and bowel cancer. A local GP had the skill to find a little lump that gave the alert. She was immediately sent to the local hospital, which is not in Wellingborough but a considerable distance away. I am grateful that the Minister has agreed to come to north Northamptonshire to look at that problem.

The trick was to phone up in the morning to say that we were on our way. I did that, and was told that no beds were available. I said, "Blow this—I am coming anyway." By the time we got there, they had found a bed in a different part of the ward and she had the emergency operation. The skill of the 20 people who were involved in that operation and the recovery period was second to none. The same was the case when she had the emergency liver operation and, again, her life was saved by the NHS. I am pleased to say, touch wood, that she is fully recovered. Sitting in NHS hospitals for long periods at her bedside and observing NHS staff gave me an unusual insight into what goes on. There is no question but that the nurses in those hospitals are absolute angels. However, one of the problems that I noted was that on many occasions they were so short of staff that the nurses on duty stayed on for extra hours to cover and help out. They would also put off holidays to come in to look after their patients. That is a testimony to NHS staff based on my personal observations.

I do not think for one minute that this is an evil, nasty Government who want to destroy our NHS—quite the reverse. They came to power in 1997 after my side had been kicked out, partly on the basis that there were 24 hours to save the NHS because those evil, terrible Tories had made a complete mess of it. I do not agree with that analysis, but that is what they thought. The Prime Minister, in his role as Chancellor, believed that throwing money at the NHS would solve the problem, and that is what he did. The amount of money going into the NHS in real terms has doubled since 1997, and it is now topping about £100 billion a year. That is equivalent to the amount that we will pay the European Union over the next few years, but that is another issue, which we have been debating in this Chamber for some time. While I am on the subject of the EU—

Madam Deputy Speaker: Order. I hope that the hon. Gentleman's remarks will be relevant to NHS staffing.

Mr. Bone: Yes, they will. Having sat through the hours of debate on the EU, I was surprised to hear yesterday that the new treaty would give the EU some control over our national health service, the implication being that because ours is not a competitive system like those in the rest of the EU it can interfere with our staffing levels. There was not enough time for the Minister to answer that question, but it is an issue that we need to be concerned about; perhaps we can discuss it in another debate.

The Minister kindly mentioned the volunteers in our health service, who do a tremendous amount of work, obviously unpaid, and are an integral part of it. Let me single out one group—Crazy Hats, which is based in my constituency and works to support breast cancer victims. It is a small charity that started from nowhere and has done exceptionally well. It has supported Kettering, Northampton and Leicester hospitals and raised an enormous amount of money. One of its methods is the annual walk round Wicksteed park, which my hon. Friend the Member for Kettering (Mr. Hollobone) and I will do in the next couple of weeks. The volunteers in our NHS, as well as the paid staff, do an enormously important job, and they have the gratitude of the whole country.

Let me talk about something that I do in my constituency that has a bearing on this subject. My party is very keen on keeping in touch with what people think—it is always having opinion polls and focus groups—so I thought, "If it's good enough for my party, it's good enough for me and my constituency." We run a so-called tracking poll by putting out our "Listening to Wellingborough and Rushden" survey all the time in different parts of the constituency. Among other questions, we ask local people what are the issues that really concern them, and the NHS consistently comes up as the second most important issue in the area. When one analyses the sub-questions, one sees that the main issue is the lack of availability of health care and the lack of staff.

I want to relate a very distressing story that is worth repeating—I have mentioned it before in the Chamber. It concerns a constituent of mine whose husband was in Northampton general hospital, which is one of the two hospitals that serves my area. He was elderly and quite ill, and unfortunately he was not being fed. Food was being placed at the end of his bed, but he was somewhat blind—that is not very good wording but I think that the Minister will take the point—and had a slight mental problem. In any case, he was a person who needed treatment. The food was put at the end of the bed, but then people came round two hours later and took it away because he was unaware that it was there. When his relatives put a sign above the bed saying, "My father cannot see the food—could you feed him?" the answer came back from the poor nurse, "I'm afraid we do not have time to feed the patients." That poor man begged to go home to die at home. He said that it was like being in a hellhole. Unfortunately, he got two hospital-acquired infections, and he did die at home. There is something wrong with a system that allows that to happen. I know that the Government would not want it to happen, but the Minister will know that I am not making it up.

The Minister will not be surprised to learn that my area, north Northamptonshire, is the worst funded part of the NHS in the whole country, and the knock-on effects on staffing will be clear to everyone. The Government rightly work out, with considerable time and expense, a national capitation formula to work out how much each primary care trust should have each year to deal with its needs. Unfortunately, that is based on retrospective information, which does not help my constituents in an expanding area. Nevertheless, it would be okay if we received the national capitation formula. As the Minister knows, in each and every year since that formula was brought in, we have not received the full amount. Over the past four years, £120 million has not been provided to my local PCT because, we are told, other areas are overfunded. However, if there is a national capitation formula and that is the minimum amount that should be available in an area, why is my area not getting it? If we had £120 million more in north Northamptonshire, the hospitals there would have more nurses and we would have fewer problems.

Staffing levels also have a direct effect on some of the treatments that are allowed in my area—for instance, IVF is not done, or is given a very low priority. I am much more concerned about the condition of wet-eye age-related macular degeneration.

In parts of the country, hospitals can treat that condition very easily with injections. A patient would probably need three injections a year, for two or three years. The cost is a mere few thousand pounds. If we had a real national health service, my patients would not have to worry because there would be enough staff to provide those injections. I know that the Minister has been helpful on this matter, and so has the Prime Minister. As far as they possibly can, they have urged the PCT to give those injections. The situation is nonsensical because if people do not have the injections in a short period of time, the staff are not available to give them.

Madam Deputy Speaker: Order. I understand the hon. Gentleman's point, but the debate we are having this afternoon is on NHS staffing levels.

Mr. Bone: I am grateful, Madam Deputy Speaker, and I think that I have made my point on the lack of staff for the treatment of wet AMD.

I should have declared an interest at the beginning: I am a member of the Select Committee on Health. In the excellent speeches so far, we have heard that there are not enough staff in certain areas, while there are too many people applying for jobs in others. We have investigated this matter in the Health Committee and taken evidence, and we have heard that the Government recognise that there are not enough people available, that the staffing levels are wrong, and that there are dentist shortages. The fact that many dentists have left the NHS to go private has reduced the number of staff doing NHS dentistry. The Government ought to know, so that they can deal with the problem, how many whole-time equivalent NHS dentists there are. Unfortunately, I understand that they do not collate that figure. This wonderful national service is planning the provision of NHS dentistry, but it does not know how many dentists it has. It knows how many it has trained, but if it does not know how many it has got or how many it needs, it may end up providing too little training, or too much.

Ann Keen: I thank the hon. Gentleman for giving way; he said that he would not mind if I asked him to do so. I believe that I can now inform him that the total head count numbers are healthy. In March 2007, there were 21,041 dentists on NHS lists, an increase of more than 4,000 since 1997.

Mr. Bone: I am grateful for the Minister's intervention because she makes my point. The Government know how many dentists there are, but they do not know how many whole-time equivalent dentists there are. They do not know how many of those dentists are working for only a fraction of the time. They may be counting my dentist, who requires me to go private because he has come out of the service. He treats children on the NHS, so he would be counted as an NHS dentist, but he is not what we would call an NHS dentist. I do not want to be awkward about this, but the Government really need to look at the issue. I know that they want to improve the situation, but they need to know the figures.

Mr. Baron: My hon. Friend touches on an important issue. All too often, the Government talk about head-count numbers but not full-time equivalents. In response to a point raised earlier by my hon. Friend the Member for Macclesfield (Sir Nicholas Winterton) about midwives, the Government have suggested that there has been a massive increase in the head-count numbers, but if one looks at the number of full-time equivalent midwives, one finds that the situation has hardly changed at all. That would account for a lot of the shortages.

Mr. Bone: I am grateful to my hon. Friend for his intervention; he describes the situation exactly.

We experience crises. The Government believe their figures—and why should they not?—but they have not asked the right question, which is how many whole-time equivalents there are. *[Interruption.]*

Mr. Bone: I am sorry, but I did not catch what the hon. Member for Rhondda (Chris Bryant) said. Does he want to intervene, or is he just chuntering? *[Interruption.]* I see he does not want to intervene. Oh, he does.

Chris Bryant: How many Conservatives MPs are there? Some of them are not full time either.

Madam Deputy Speaker: Order. I think that the hon. Gentleman knows to keep to the motion under debate.

Mr. Bone: I am sorry, Madam Deputy Speaker. I made a great mistake by letting the hon. Gentleman intervene.

I know that the Government do not want what is happening, but it is happening none the less. Yesterday I was told that for the first time ever the hospital had to cancel a cardiac rehabilitation session because of the lack of staff. The Government would say that there are enough staff, but in reality that is not the case. The senior nurse to whom I spoke was dismayed at having to cancel the session. I know that the money is there and I guess that the former Chancellor lies down in a darkened room at night, and the Under-Secretary has probably seen him banging his head against a wall, saying, "Look, we've put all this money in—why hasn't it worked?" Everybody knows that that is the case and everybody is concerned about it.

Ann Keen: The results on heart disease are impressive. We have achieved our targets on improvements for all coronary artery disease, even though the hon. Member for Guildford (Anne Milton) does not appear to believe that that is a priority.

Mr. Bone: I am grateful for the intervention. I know that the Government are in favour of targets, but the fact that we have doubled the amount of money that goes into the NHS but increased outputs by a maximum of only 25 per cent. is a problem, and I think we all accept that. I do not know where the black hole is. I do not believe that the money has gone into staffing, but it may have gone into reorganisation. When we reorganised Northamptonshire's PCT—I cannot understand why—from three PCTs to one, the cost of that, with hiring and firing people and so on, appeared to be a complete waste of money.

Anne Milton: I am sure my hon. Friend agrees that treating heart disease is crucial but that the Government are failing to put the resources into cardiac rehabilitation, which is just about the most cost-effective, non-interventionist measure possible. Forty-nine per cent. of physiotherapists have not got jobs and could undertake that cardiac rehabilitation.

Mr. Bone: There has been no collusion between me and Front-Bench Members. That is most unlikely to be allowed in any case. However, my hon. Friend makes a fair point.

One of the knock-on effects of the funding formula is that we do not have any cardiac rehabilitation worth mentioning at Kettering hospital. People have to go to Bedfordshire to get it. They describe the problem as a postcode lottery, but I disagree. If it were a postcode lottery, my constituents would have a chance of winning now and again. However, it is not a lottery but a decision made in Whitehall to underfund the people in my area and the east midlands. We heard earlier that much more money will be spent on NHS staff in Scotland than in other parts of the country.

Spending on the NHS constitutes one of the largest parts of public expenditure. It is alleged that the NHS is the third biggest employer in the world. It was said that only the Red Army and Indian Railways employ more people. Unfortunately, that is not true. Now that Indian Railways has been privatised, the NHS has moved up to second place, and I daresay the Red Army is being cut back.

I hoped that the Under-Secretary would tell me how many times the former Chancellor had had to go into a darkened room and bang his head against a wall to try to solve the problem. She probably did not want to divulge that information.

Something about the NHS surprised me on Saturday. I visited a part of my constituency called Great Doddington for a public meeting—it would probably be characterised as a town hall meeting—to complain about the rotten fact that the post office there had been closed and that that was wrong. More than

[Mr. Bone]

100 people attended. However, the meeting was led by a local GP and the effect of the revised GP contract negotiations on staffing came up. Out-of-hours services are affected. I appreciate that that might be a problem in other parts of the country, but in my area we still have an out-of-hours service, which works well. It is called Keydoc and if one is desperate to see a GP in the middle of the night, as I was a little while ago—*[Interruption.]* I thank my hon. Friend the Member for West Suffolk (Mr. Spring) for passing me a note asking me to wind up as quickly as possible because people are getting bored. [HON. MEMBERS: "No!"] Keydoc is a very good system that provides out-of-hours cover; indeed, I used it only recently for my son. We therefore do not have a problem with out-of-hours cover in our area—it may be a problem in other parts of the country—but local GPs are up in arms about the money that will be taken away from them because they are not prepared to enter into the Government's new GP contract. Some local GPs even feel that their practices will have to close if the contract comes into existence.

Finally, I appreciate that the Government are trying to do what they can to manage the NHS. The fact that we would manage it much better is neither here nor there at the moment because there will not be an election for a couple of years. However, there is one thing that I can say. There is not a single complaint about the number of NHS nurses or doctors in the hospital in my constituency or about the service that people receive. Instead, people are absolutely livid that we do not even have a hospital in my constituency. The Minister has graciously agreed to come to the area to discuss the issue—and the day that she has chosen is April fools' day.

2.31 pm

Sir Nicholas Winterton (Macclesfield) (Con): I am pleased to follow the eloquent and passionate speech by my hon. Friend the Member for Wellingborough (Mr. Bone), who showed considerable knowledge of the health service's advantages and shortcomings in his area.

I did not initially intend to contribute to this debate, but I came in at the beginning and my interest has increased as the debate has progressed. I am pleased that the Minister will be replying, and I intend to give her plenty of time to do so. She may know that what would have been an outstandingly successful parliamentary career for me floundered because of my support for the national health service and what it stood for. I chaired the Health Committee for a period. It was a wonderful Committee, with fantastic relations with all areas of the national health service, mainly through the commitment of its members, not least various Labour Members, such as the late Audrey Wise and Mrs. Mahon. They were tremendously supportive of me in undertaking critical inquiries, one of which was into maternity services.

Mr. Greg Knight (East Yorkshire) (Con): Will my hon. Friend give way?

Sir Nicholas Winterton: In just a moment.

Will the Minister give a commitment that the money that the Government have promised to maternity services in the NHS will be brought forward? Without that money, the guarantees in the Maternity Matters strategy cannot be effective and new midwives and students midwives cannot start doing the job that maternity services urgently require. I obviously speak with a little knowledge—as the House knows, for some years I have been an honorary vice-president of the Royal College of Midwives, which is an office that I am very honoured to hold.

The Minister will be aware that the midwifery profession also has a problem, in that a fairly high percentage of midwives are what I would call mature and may retire in the years that lie immediately ahead. That is why the staffing of maternity services and the coming forward of new midwives and students midwives into the NHS is so critical. It is unfortunate that so much emphasis is placed on targets, which take a lot of staff time, when much more should be devoted to, I would hope, successful outcomes.

Perhaps my right hon. Friend the Member for East Yorkshire (Mr. Knight) would like to intervene now, although I hope he will be quick because I want to give the Minister plenty of time.

Mr. Greg Knight: I am grateful to my hon. Friend for giving way. The moment has almost passed, but I just wanted to say that he should not regard his career as a failure because he has never served as a Minister. He has been a distinguished Chairman of the Health Committee and the Procedure Committee.

Sir Nicholas Winterton: I am very grateful to my right hon. Friend, who is now the very distinguished Chairman of the Procedure Committee. He was also a very distinguished Minister.

The shortage of physiotherapists and speech therapists has been mentioned by at least two speakers in the debate. Those therapists are critical in the treatment of people who have suffered a stroke. If we are to give people a meaningful life after a stroke, physiotherapy and speech therapy are critical to their rehabilitation.

In an intervention on my hon. Friend the Member for West Suffolk (Mr. Spring), I touched on the subject of mental health. This, too, is a subject in which I take a considerable interest. During my time working on health and social security matters, we undertook an in-depth inquiry into adult mental health and mental handicap. There is a shortage of skilled professionals in mental health, which is critical because for too long this has been a Cinderella area of health care. I hope that the Minister will be able to give us an assurance that money will be available for the employment of the staff who are so essential to the success of this Cinderella area of the national health service.

2.36 pm

Ann Keen: I should like to thank hon. and right hon. colleagues for their contribution to this debate on NHS staffing. I cannot apologise for smiling so often throughout the debate; such is my way that I am known often to smile at many hon. Members.

Since 1997, the NHS has made significant progress in improving the level of health care in this country. The unprecedented level of investment by this Government in staffing in the NHS has been instrumental in bringing this about. I will try to refer to some of the points raised by hon. Members in the short time that I have. The hon. Member for Wellingborough (Mr. Bone) has invited me to visit his constituency, and I have agreed—and will continue to agree—to do so. I had the pleasure of meeting his wife when we were away on a trip together, and she had my sympathy on the issue of health care. She might possibly have my sympathy for other reasons, now that I have got to know the hon. Gentleman and the particular style that he has developed in the House. I feel that she might possibly agree with me on that.

Work force planning has always been critical to the NHS. Having worked in the NHS for more than 25 years, I know how important it is to have the right staffing levels on wards. I remember not having such levels in the '80s and '90s. I also remember training schools being closed. We were told that we were training too many nurses and doctors, and places were cut. In fact, I spoke recently to Dr. Peter Carter, the general secretary of the Royal College of Nursing, and he was happy for me to convey his views. He said:

"The last 10 years have seen substantial growth in nurse numbers. This has helped address the legacy from the 1980s and 1990s of workload issues".

At that time, we did not always plan in the way we should have done, and I am aware that officials in the Department of Health take some criticism. Let us also give them praise, however, as they are now working hard on work force planning, as they perhaps wanted to do in the '80s and '90s as well.

It is exceptionally important to have the right levels not only of doctors and nurses—they always come to the forefront when we talk about the health service—but of physiotherapists and talking therapists, who play a hugely important role, as do staff right across the section, from the cleaners who keep a complex cleaning care programme in place right through to the top docs. The work force is being planned under Lord Ara Darzi's review, under my chairmanship and, most importantly, with the membership of the clinicians themselves, in the sectors that look after our cancer care and our new stroke strategy, which has been welcomed by the all-party parliamentary stroke group as well as by the Stroke Association. Matters relating to cardiac rehabilitation need to be addressed in some areas, and I urge the managers involved to do that.

While we are discussing managers, let me say that there has been a fall in their number. The last NHS census showed the first fall in management members since the introduction of occupations codes in 1995. However, let me go on to say that managers are exceptionally important to the NHS. We know that without them it can break down, and we know the serious consequences of that. We understand the importance of learning from previous mistakes and of ensuring that all managers and health care professionals are totally committed to providing safe care.

The hon. Member for Macclesfield (Sir Nicholas Winterton) spoke about his being the vice-president of the Royal College of Midwives. I watched his career with interest when he served on the Health Select Committee, particularly in respect of his involvement with "Changing Childbirth". He was such a progressive thinker that he was not allowed to continue to practise. The General Secretary of the Royal College of Midwives, Karlene Davis, would work closely with the hon. Gentleman. She also works diligently on work force planning and has said how difficult it is to recruit midwives at the moment. We all take that very seriously.

It is the duty of us all to praise midwifery and the safety of childbirth in this country, which is indeed one of the safest places for the delivery of babies. Our birth rate is currently increasing, and I believe it nearly always does under a Labour Government. When people are satisfied and feel confident that they will continue to be employed—either within or outside the NHS—they are always happy to increase their families. It is no coincidence when that happens.

I hope that some hon. Members will reflect further on some of the words they used, particularly regarding heart disease. Our success rate should only be praised, so I particularly ask the hon. Member for Guildford (Anne Milton) to reflect more on her comments.

Anne Milton *rose—*

Ann Keen: I have very little time left, so the hon. Lady might want to see me at some later time.

Our stroke strategy and our cancer plan have been welcomed throughout the voluntary sector—and most importantly of all, by patients themselves. Patients' satisfaction with the NHS is second to none. The work force in our NHS is also second to none. We need to do more to improve it, so we need to work together in the House. I would like to see a consensus on the point that the NHS as it stands today provides the best health care in the world. That is true only because of NHS staff. Let us all work together not to praise them only today but always. That is different from the 1980s and '90s, when I experienced marches and collection buckets for NHS equipment. No one is doing that today because we have a Labour Government looking after the NHS.

Question put and agreed to.

Resolved,

That this House has considered the matter of NHS staffing.

European Scrutiny (Standing Orders)

Mr. Deputy Speaker (Sir Michael Lord): Before we start the debate, it may help the House if I set out how our proceedings on the European scrutiny motion will be handled. There will be a combined debate on the motion and on all selected amendments. The business of the House order governing proceedings allows any selected amendment to be moved at the conclusion of the debate. Amendments will be called in order, followed, finally, by the main question.

2.43 pm

The Deputy Leader of the House of Commons (Helen Goodman): I beg to move,

That the following Amendments to the Standing Orders shall have effect for the remainder of the current Parliament:

(A) Amendments to Standing Order No. 119 (European Standing Committees)

Line 2, leave out 'European Standing Committees' and insert 'European Committees'.

Line 13, leave out paragraph (3) and insert:

'(3) Each European Committee shall consist of thirteen Members nominated by the Committee of Selection in respect of any European Union document which stands referred to it, and the Committee of Selection may nominate the same membership in respect of several documents.

(3A) In nominating the members of a European Committee, the Committee of Selection shall have regard to the qualifications of the Members nominated and to the composition of the House: and where practicable it shall nominate at least two members of the European Scrutiny Committee and at least two members of the select committee appointed under Standing Order No. 152 whose responsibilities most closely relate to the subject matter of the document or documents.'

Line 30, leave out from 'below' to end of paragraph (5).

Line 41, insert new paragraph as follows:

'(6A) The chairman may permit a member of the European Scrutiny Committee appointed to the committee under paragraph (3A) above to make a brief statement of no more than five minutes, at the beginning of the sitting, explaining that Committee's decision to refer the document or documents to a European Committee.'

(B) Amendments to nomenclature in the Standing Orders

Leave out 'European Standing Committees' in all other places where they occur in the Standing Orders and insert 'European Committees'.

Proper scrutiny by the House of legislative proposals and other important documents from the European Union is extremely important. As we all know, decisions taken in Europe affect many aspects of our lives. Government and Parliament must play a full part in those decisions.

Today, I set out a new approach to scrutinising the way in which the Government do business in Europe. The motions will encourage a fuller debate on Government position on policy issues that are affected by European legislation.

In the past, the European dimension of policy issues has often mistakenly been considered to be separate from United Kingdom domestic policy. As a result of that disengagement, confidence in scrutiny of the Government's position on European issues has suffered, which has led to long-standing criticism of the processes.

In its report on European scrutiny, the Modernisation Committee made recommendations for reform of the existing scrutiny process to reinvigorate the House's consideration of European Union business. The Bill to enable the United Kingdom to ratify the Lisbon treaty, which modernises EU structures, is currently in Committee. There have been a good many debates on the Floor of the House and there are several more to come, but we are here today to debate other issues.

On 25 October, during a debate on a range of procedural reforms, the Leader of the House accepted a proposal from the European Scrutiny Committee that, within three months, we present proposals to improve the EU scrutiny system. Four successive Leaders of the House have drafted proposals, and the Modernisation Committee reported in 2005. There is widespread agreement across the House that we need to improve the current systems.

Mr. Frank Field (Birkenhead) (Lab): The German Parliament has calculated that 60 per cent. of its legislation initiates in Brussels. The same must apply to this country. In those circumstances, should not our procedures go way beyond what my hon. Friend is proposing today? Clearly the time that we spend in the House of Commons ought to be devoted mainly to European as opposed to home matters.

Helen Goodman: I am not sure that what my right hon. Friend says is strictly accurate because of the role of the Länder in Germany, but I hope that as I set out my proposals—some of which are on the Order Paper, while others stray into administrative matters—he will accept that they will lead to real improvements.

Mr. James Clappison (Hertsmere) (Con): The hon. Lady is making a good start, but may I pursue the question put to her by the right hon. Member for Birkenhead (Mr. Field)? I asked the same question of one of her Cabinet colleagues during our debate on the single market. Will she tell us what proportion of our law comes from EU institutions?

Helen Goodman: I must confess that the figure is not at the front of my mind at this moment, but I hope that by the time we reach the end of the debate I shall be able to give the hon. Gentleman the answer.

Simon Hughes (North Southwark and Bermondsey) (LD): May I ask a procedural question? The hon. Lady was kind enough to consult colleagues throughout the House before presenting the motion tabled by the Leader of the House. Would she be willing to place in the Library, or make available in some other way, the responses given to her during that consultation, so that people can compare the formal views represented to her with the proposals on the Order Paper?

Helen Goodman: As the hon. Gentleman knows, the consultations—in which he took part—were largely informal. I hope to be able to provide some further information that will satisfy him.

Consideration of European documents in the House of Commons is currently subject to the European scrutiny resolution of 1998, under which Ministers

cannot agree to proposals in the Council of Ministers that have not cleared the House's scrutiny processes, subject to certain exceptions.

Mr. William Cash (Stone) (Con): I am sorry to have to raise a matter that is of some concern to me. The hon. Lady mentioned the November 1998 resolution. The European Scrutiny Committee stated unequivocally that the Prime Minister must secure a full debate on the Floor of the House of Commons before signing the treaty of Lisbon. I should make it clear that I am referring here to the opinion of the intergovernmental conference. That document was not cleared at that time, and no debate was held specifically on the intergovernmental conference opinion, in contravention of the scrutiny process. I should be grateful if the hon. Lady explained why that happened. There is no doubt that it did happen; I am referring to the opinion, not the treaty.

Helen Goodman: I understand that the hon. Gentleman takes an earnest and sincere interest in this matter, and I know that he has taken part in the series of debates in Committee of the whole House on the Lisbon treaty Bill. I am sorry if he is not satisfied, but the fact is that we are addressing a separate matter this afternoon.

The House's scrutiny processes are underpinned by a system of Committee consideration set out in Standing Orders. Documents must be deposited with the European Scrutiny Committee, usually within two working days of publication by the Commission, with a Government explanatory memorandum deposited within a further 10 days. The Committee examines documents for legal or political importance. It might then, after exchanges with relevant Ministers, clear the document or recommend it for debate in a European Standing Committee or on the Floor of the House.

Mr. David Heathcoat-Amory (Wells) (Con): The Modernisation Committee report to which the hon. Lady referred, which was chaired by the Leader of the House, said that scrutiny of EU business

"should be in the mainstream of our political life."

Should it not therefore be done in public? When I asked her that at questions earlier today, she said it should not be done in the full glare of publicity. Why should not part of the mainstream of our political life be conducted in the full glare of publicity? What have the Government got to hide about European business that means that it all has to be done in private? Why is she not recommending that Standing Orders be changed to permit us to meet in public?

Helen Goodman: The Government have nothing to hide, and I shall come on to the amendments towards the end of my speech.

The Committee examines documents for legal or political importance. It will then sometimes clear them, or recommend them for further debate. Standing Orders provide for three permanent European Standing Committees, to which documents can be referred, with 13 members each.

Kelvin Hopkins (Luton, North) (Lab): On the recent intervention by the right hon. Member for Wells (Mr. Heathcoat-Amory), one of the advantages of that being in private is that officials can give advice that is blunt and to the point; that advice might not be the same were it in public. Does my hon. Friend accept that as being an advantage?

Helen Goodman: What my hon. Friend says is borne of his experience on the European Scrutiny Committee, and it is clear that there are contrary views on this matter, but I will now make a little more progress and come back to it later.

Any MP may attend or speak in the proceedings of the European Standing Committees, but the system of permanent membership fell into disrepair because of the excessive commitment required of some Members. Consequently, the House is operating under a temporary system, whereby each European Standing Committee meets with an ad hoc membership appointed by the Committee of Selection.

Last year, the European Scrutiny Committee examined approximately 1,100 documents, identifying nearly 500 as of sufficient importance to justify comment in a report and recommending nearly 80 for further debate, including five for debate on the Floor of the House. The system has strengths: in particular, it means that every document of any significance is examined quickly; it means that difficult or unclear points can be discussed between a permanent Committee and the relevant Department; it means that important issues can be identified and debated further in the House, with any Member able to participate; it means that the House can come to a view on every document so debated; and it means that the Minister cannot, without having to explain why he or she had had to do so, agree a proposal without those steps having been taken.

Mr. Cash *rose—*

Helen Goodman: If I may, I shall make a little more progress.

The system is far from perfect. The Modernisation Committee's 2005 report concluded that scrutiny of EU business

"tends to be seen as a minority activity, of interest to only a few Members".

The following specific issues have been raised: Members feel that they do not get early sight of EU proposals, although that is improving; most Members do not find EU discussions relating to specific issues to be very visible and they are not able to participate even where they have a specific interest or expertise; the process for questioning is unhelpful to both Ministers and those doing the questioning; Members do not get the papers they need, when they need them; and there is a lack of continuity between the different stages of scrutiny.

Since becoming Deputy Leader of the House, I have continued the search for consensus on how we should make progress and have held a wide range of meetings across the House and outside it.

Mr. Cash: The Deputy Leader of the House referred to the fact that when a European document comes back to the Floor of the House it can be agreed. She will be aware that if a document is amended by a European Standing Committee—I know that that has happened on a number of occasions, because I have been on the Committee in question—that decision is

[Mr. Cash]

immediately reversed on the Floor of the House. I am just a naive, unknowing kind of person, so will she explain to me why a European document never suffers a reverse on the Floor of the House?

Helen Goodman: As I said to the hon. Gentleman earlier, I shall come to the amendments on the Order Paper at the end of my speech. He will have to be a little more patient, if he can bear it.

My hon. Friend the Member for Linlithgow and East Falkirk (Michael Connarty), with support from colleagues on the European Scrutiny Committee, has tabled an amendment that would allow the changes to run only for the remainder of the current year, rather than until the end of the current Parliament. As I have said, the proposals are experimental. It may be that the rest of the current year is long enough to assess their effectiveness, and I am happy to accept his amendment.

Let us turn to the improvements to the system that I am proposing, the first of which relates to the timetable. In 2005, the Modernisation Committee recommended that the Government undertake to alert the House at an early stage of consultation exercises, and the Government accept it.

Mr. Greg Knight (East Yorkshire) (Con): It would be ungracious not to acknowledge that what is being proposed is better than we have had in the past. I am happy to place that on record. The Deputy Leader of the House agreed to accept the amendment tabled by the hon. Member for Linlithgow and East Falkirk (Mr. Connarty). That indicates that even if she achieves the rest of her business today, she is willing to take on board ideas that are made after today, with a view to introducing further proposals in due course. Will she confirm that that is the case?

Helen Goodman: I am happy to confirm that. The Leader of the House's office is a listening department. We are always glad to hear from Members and to build on our current position.

We believe that there also needs to be better scrutiny of the annual Commission work plan. The most appropriate way to do that would be through short debates in Westminster Hall on the annual policy strategy and on the legislative and work programme. Such debates could be expected to fall in March and November.

Our proposals do not set out any major change to the European Scrutiny Committee. However, it is noticeable that the parliamentary calendars of Brussels and the UK are different. A more effective approach might be if the Committee were regularly able to meet before the House returns in October, as it did last year. Ultimately that is a matter for the Committee itself.

I turn to the composition of the European Standing Committees. The proposal before the House would enable ad hoc appointments to be more targeted than has been the case hitherto. Out of 13 members, it is proposed that two places should be filled by members of the European Scrutiny Committee and a further two by members of the relevant departmental Select Committee, and that at least five members would be spokesmen or Whips. Overall, at least nine out of 13 places would thus be filled by Members specifically identified for what they can contribute to debate on a particular document. Furthermore, hon. Members can make representations to their party Whips to take part in a European Committee debate in which they are interested. In many ways, that should provide a more informed debate than those based on the old core membership model, partly because of the wide remits that they had, partly because some of the core members on the permanent Committees felt that they had been press-ganged.

Andrew Mackinlay (Thurrock) (Lab): I welcome what my hon. Friend has said. It is a matter for this Chamber and for the political parties. One of the flaws in the old system—one of the reasons there was an apparent, but not intended, lack of interest—was that Members were not given enough notice of subjects. We need a system whereby people can go to their party Whips and say, "I am interested in this. When you nominate, can I be in the frame?" Hon. Members will need to be given some notice, because people cannot be in two places at once. It is a time scale problem.

Helen Goodman: My hon. Friend is absolutely right. That is why we have looked at the way that papers are circulated and notice is given, as I shall explain later. Of course, it is not for me in my role as Deputy Leader of the House to make suggestions to other parties about how their Whips Offices should operate, but I hope that they have heard my hon. Friend's remarks.

Kelvin Hopkins: I am sure that my hon. Friend will agree that one of the reasons hon. Members are less interested and engaged than they might be is the enormous volume of turgid Euro-speak in the documents. One of the great advantages of the private part of the European Scrutiny Committee is that we have simple summaries by officials of the House that state precisely what the document is about, what we need to focus on and what their conclusions are. They are a quick read, and hon. Members could well do with such summaries in the European Standing Committee, too.

Helen Goodman: I am grateful to my hon. Friend for his comments. I hope that his views, which are based on practice, will be heard by other hon. Members who are interested in that aspect of the matter.

In order to maintain all the necessary flexibilities, including the need to maintain the right party balance, the vehicle for delivering appointments to the European Standing Committee is the Committee of Selection—as with all other appointments to Committees. We also see two ways in which the actual proceedings of the European Committees can be made more effective. First, we are agreeing to the 2005 recommendation of the Modernisation Committee that there should be an opportunity for a brief opening statement at the beginning of a Committee sitting by a European Scrutiny Committee member to point out why the document or documents were referred.

Secondly, the period of questioning on a ministerial statement can often be unsatisfactory because members are called to ask a single question at a time, leading to a broken series of unrelated questions. It would be more effective for questioning to take place in a more

Select Committee-like style, with individual members being able to ask a series of related questions in one stretch. So, I am grateful to the Chairman of Ways and Means for agreeing, through the Chairmen's Panel, to advise all Chairmen to make that the standard way for conducting the questioning on statements in European Committees. I hope that hon. Members across the House will find that useful.

The Government have also been looking at ways in which Members might be kept better aware of developments on EU issues through the flow of documentation. One way forward is for Members to indicate in advance to the Vote Office the specific matters on which they would be interested to receive European documents. Those documents could be sent directly to the Member concerned without the need to fill in one of the regular and often rather impenetrable yellow lists of EU documents that are available from the Vote Office. I am grateful to the Deliverer of the Vote for his work in making that possible.

A further step that is being taken is for the forthcoming business before the European Committees to be listed in the daily Order Paper along with other future business. I hope that Members will find that a helpful way forward.

I am terribly sorry, Mr. Deputy Speaker, but I have lost the place in my speech. While I wait for the rest of it, let me turn to the amendments tabled by the right hon. Member for Maidenhead (Mrs. May).

Amendment (c) relates to motions taken on the Floor of the House after a debate in Standing Committee. I understand that the intention is to require that the motion tabled on the Floor of the House is the same as the one agreed by the Standing Committee and that a debate can be held if the Government then table an amendment to it.

The amendment does not achieve either aim. For example, it does not require the motion tabled in the House to be the one agreed by the Committee, but the Government recognise the long running view expressed by previous Committees, including by the Modernisation Committee in 2005, that the motion tabled should be the one agreed by the Committee. If the right hon. Member for Maidenhead will agree not to press the amendment, the Government will undertake to proceed in practice in the way the Opposition seek.

That would mean that, if a Standing Committee agreed a motion different from the one proposed to it by the Government, the motion tabled in the House for agreement would be the one agreed by the Committee. There should be the possibility of a debate if the Government then seek to amend the motion. If any such debate is required, there should be provision for the first vote to be on the form of words agreed by the Committee, rather than on the Government's amendment. That is what happens on Opposition days.

I turn now to the right hon. Member for Maidenhead's amendment (e), which deals with the conduct of the work of the European Scrutiny Committee in public. It stems from a request first made in 2003 by the ESC in relation to its sifting of European documents for debate. The Modernisation Committee considered the matter in its 2005 report and concluded that the ESC should have the power to decide whether to meet in public for that purpose for an experimental period.

The ESC has considered the proposal, and taken a different view. I agree with the right hon. Member for Maidenhead that, in general, there is a good case for the important work of sifting to be done in public. However, amendment (e) is not limited to the formal sifting of EU documents undertaken by the ESC: rather, it applies to all of the Committee's proceedings and so goes much wider than anything envisaged by the ESC or the Modernisation Committee.

For example, amendment (e) would mean that a discussion in the ESC about internal communications, dates, summer recess work or the order of witnesses would have to end in a vote. If the right hon. Member for Maidenhead will agree not to press the amendment, the Government will come back to the House with a revised form of words providing for the ESC to have the power to decide whether to meet in public for the purposes of sifting documents.

A further step being taken is for the forthcoming business before the European Committees to be listed in the daily Order Paper, along with other future business. I hope that hon. Members will find that helpful, and I am grateful to Mr. Speaker for his authorisation of this measure. If the motions are approved, I shall also send hon. Members a resource pack so that they are aware of the support available for their European scrutiny work.

Simon Hughes: The Deputy Leader of the House has said that the Government accept amendment (a), tabled by the Chairman of the ESC and others. Do they accept his amendment (b) as well?

Helen Goodman: My understanding is that my hon. Friend the Member for Linlithgow and East Falkirk has withdrawn amendment (b), but the Government entirely accept the intention behind it. We will use our best endeavours to ensure that when the Committee of Selection meets, the usual channels will have listened to the views of the Chairman of the European Scrutiny Committee on which hon. Members are best placed to take forward each European Standing Committee. Taken together, the measures that I am proposing will be of real benefit to the House. They will help to improve the accessibility of the processes to all Members, improve the effectiveness of the Government's scrutiny of European business, and make it clearer to the public what we are doing. As I have said, the measures will always be open to further review, and the motion envisages that the Standing Order changes will have effect only until the end of the year. I invite Members to support the motion.

3.10 pm

Mrs. Theresa May (Maidenhead) (Con): I am pleased to have the opportunity to speak in this debate, and not just about the motion in the name of the Leader of the House and the amendments that I tabled. I start by welcoming the fact that the Government have taken the initiative to improve the way in which the House scrutinises European legislation. The system has needed reform for some time; indeed, the need for reform was pointed out three years ago by the Modernisation Committee, and successive Leaders of the House have been encouraged to act on its report. I congratulate the Leader of the House and the Deputy Leader of the House on grasping

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the nettle. I also thank the Deputy Leader of the House for her courtesy in consulting me on the issue, for talking to my hon. Friend the Member for North-West Cambridgeshire (Mr. Vara)—the shadow Deputy Leader of the House—and me about the issues, and for her willingness to try to find a resolution on the issues that I have raised.

I also congratulate the Chairman of the European Scrutiny Committee, the hon. Member for Linlithgow and East Falkirk (Michael Connarty), because it was the pressure that he put on the Government at the end of last year that led to the Government undertaking the exercise, to work being done, and to the motions before us today. I welcome the fact that the Government are prepared to act on the issue and have made proposals that would lead to a better procedure, as my right hon. Friend the Member for East Yorkshire (Mr. Knight) said, but I am deeply disappointed by the result of the exercise. I do not believe that the proposal goes far enough. It is a bit of a damp squib, and wider reform is needed if we are to resolve the problem of the democratic deficit in our consideration of European Union legislation.

As the Deputy Leader of the House knows, I have made a number of proposals on how that democratic deficit can be overcome, and I will refer to some of them. First, I should like to comment on the context of the debate—the House's scrutiny of European legislation. Most people's knowledge of what happens in Westminster is probably confined to a 30-second snippet of Prime Minister's questions each week. Some will be vaguely aware of the daily work that Select Committees and Public Bill Committees do—discussing key issues, dissecting legislation and so forth—but few will realise the true extent of that work. If that is most people's view of Parliament's work on domestic legislation, let us just think how few people have any understanding at all of what happens to European legislation, beyond feeling that there is too much of it and that we should not be ruled by Brussels.

However, between 50 and 70 per cent. of UK laws originate in the European Union. The EU produces four pieces of secondary legislation a week, and every year more than 1,000 European documents are deposited in Parliament. Only a handful of them receive full debate in the House. Dealing with EU legislation is clearly an enormous part of the House's work, yet our system of scrutiny for that legislation is woefully inadequate. I must make it clear that that is nothing to do with the members of the European Scrutiny Committee, who diligently carry out their role as best they can within the current system. However, the Committee lacks the teeth that it needs properly to hold the Government to account. Too often, Parliament is ignored and its decisions are overridden.

The only formal role that national Parliaments have in the European legislation process is in the implementation of European directives, regulations, legislation and decisions. Parliaments' only influence, therefore, is based on their right to hold to account members of their national Governments, so the purpose of our system of scrutiny is to ensure that our Parliament has the opportunity to influence and hold to account UK Ministers for their decisions in the Council of Ministers. It is in that context that I am deeply disappointed by the proposals tabled by the Leader of the House, because that demographic deficit—that gap in our system—is not redressed by the motion.

Mr. Cash: Will my right hon. Friend give way?

Mrs. May: On European matters I always give way to my hon. Friend with some trepidation.

Mr. Cash: I intervene merely in a spirit of helpful and constructive suggestion. My right hon. Friend is talking about a situation where national Parliaments are considering matters dealt with by national Ministers in the Council of Ministers and, therefore, the exercise of qualified majority voting. Will she bear in mind the fact that the decision taken on the Floor of the House about any such decision has to be related to the national interest as expressed by a significant number of people voting in the debate? Does she understand my point?

Mrs. May: I may or may not have understood my hon. Friend's point; over the years I have discovered that often when I think I have understood his point I have not understood it as well as I might. He seemed to be suggesting that our national Parliament needs to be able to express a view on the national interest to Ministers before they take issues—

Mr. Cash: In effect, we need something in the nature of a veto. If enough Members of the House seriously disagree with a decision of the Council of Ministers on a document, the view expressed by the House should, if necessary, override the decision taken in the Council of Ministers.

Mrs. May: Perhaps my hon. Friend could wait for my comments about the scrutiny reserve, as he may find that they address the point he has raised.

Kelvin Hopkins: The right hon. Lady is making useful points about the extent to which we properly scrutinise European legislation, but does she agree that the real problem is the strict and rigidly disciplined party system in our Parliament? The excessive power of the Executive over the legislature is the real problem; we are whipped, so even if we have strong concerns, things do not change.

Mrs. May: The whipping system in the House is a different issue. I have said on record that in general I should like the House to be able to hold a larger number of debates on motions that are subject to a free vote—although when I say that, the Whips normally start twitching. However, the issue we are addressing and which lies at the heart of questions about democratic deficit is the system that we use to scrutinise European legislation. There is much that we can do to improve the system, but it is not in the motion proposed by the Leader of the House.

Mr. David Heath (Somerton and Frome) (LD): The hon. Member for Stone (Mr. Cash) was describing a situation in which Parliament does not agree with something that comes through the European Council. One of the beneficial aspects of the treaty of Lisbon may be the idea that national Parliaments could

intervene to say that something should be subject to subsidiarity, but I have nowhere seen a clear view expressed as to how Parliament could exercise such a power free of the Executive. Has the right hon. Lady given any thought to that process?

Mrs. May: Our view is that the proposed system—the yellow and orange card system—is full of problems. Earlier, the Deputy Leader of the House said that she would be willing to look further at how Parliament deals with European matters. Perhaps the issue raised by the hon. Gentleman is one of those that she intends to take on board.

My hon. Friend the Member for Stone may be pleased to hear that I had intended, before his intervention, to make the point that the House has no real power over positions taken by Ministers, and that if a Standing Committee or even the whole House objects to a European proposal, the Government can still support it in the Council of Ministers. That is the case because the scrutiny reserve system that we have is too weak. It is not defined in statute and Ministers have the power to override it. All they have to do is give an explanation to the Scrutiny Committee as to why they have chosen to do so.

Since figures were first collected in 2001, the override has been used 346 times. Some controversial pieces of legislation have been exempted in that way, including on the EU arrest warrant and the creation of the European Defence Agency. There are many excuses for Ministers to ignore the scrutiny reserve. The reserve resolution states that the Government can agree a proposal if it is

"confidential, routine or trivial or is substantially the same as a proposal on which scrutiny has been completed"

or if the Scrutiny Committee

"has indicated that agreement need not be withheld pending consideration"

by the House.

A Minister can also agree a proposal

"if he decides that for special reasons agreement should be given; but he should explain his reasons"

to the Committee and to the House at the first opportunity. Sadly, there are too many examples where Ministers override that scrutiny reserve. That is why it should be put on a statutory basis.

Mr. Cash: My right hon. Friend spoke, understandably and correctly, about the scrutiny reserve in respect of a Minister who is about to make a decision in the Council of Ministers. I was referring to something significantly different—the situation in which a decision has been taken in the Council of Ministers, including our Minister, but we override it because the House takes a different view when it gets to know about it.

Mrs. May: I am grateful to my hon. Friend for further clarification of his point. The comments that I shall go on to make may edge towards the situation that he describes, but I suspect that they will not go quite so far.

Helen Goodman: I am grateful to the right hon. Lady for giving way on the subject of overrides, which I agree is important. I draw her attention to the fact that they frequently happen because of the long summer recess, and also because they are frequently on common foreign and security policy instruments—for example, the common position extending the mandate for the International Criminal Tribunal for the Former Yugoslavia. In 2006, of the 29 overrides in the House of Commons, 14 were on instruments that were agreed at Councils in late July or September and early October when the House was not sitting.

Mrs. May: The Deputy Leader of the House is trying to explain away the overrides that take place. I entirely agree that there is a problem with when the European Scrutiny Committee sits. The 12-week gap in the summer recess does cause a problem. That is an issue that needs to be addressed. As she said in her speech, when Committees sit is a matter for those Committees, but the issue must be examined.

There is a point of principle involved in the Government's treatment and override of the Scrutiny Committee. As I understand it, the hon. Lady is saying that that is a result of practical circumstances, but issues such as the EU arrest warrant and the creation of the European Defence Agency do not fall into that category. Those were significant, controversial issues. The House needs to make Ministers more accountable to it for the decisions that they are taking on the vast amount of legislation that affects our constituents, but on which the House rarely has proper debate.

Mr. Heathcoat-Amory: It is disappointing that the Deputy Leader of the House should try to excuse errant Departments, rather than stand up for the rights of the House, which is her job.

May I remind my right hon. Friend of another abuse? Ministers are persistently reaching what they call a general approach in the Council of Ministers to get around the scrutiny reserve. They are not allowed to reach agreement while the matter in question is still under scrutiny, but they claim that a general approach exempts them from that. That has been explicitly censured in another place by the equivalent Committee, which said that it did not accept the Government's view that agreement to a general approach does not constitute a breach of the scrutiny reserve resolution. Does my right hon. Friend agree with that, and will she recommend a change to our procedures to prevent such things from happening in future?

Mrs. May: I certainly agree that it is disappointing and worrying to see how Ministers find their way around the requirements laid on them when there are scrutiny reserves, in respect of both the override and the circumstances set out by my right hon. Friend.

There is a real need for the House to go further than is being proposed today by the Deputy Leader of the House in setting out changes to our procedures and to the powers of our Committees—the European Scrutiny Committee and the Standing Committees, such as they are at the moment. I hope that within that process we would be able to find ways to ensure that the views of the House inform what Ministers do in Brussels and that Ministers recognise that they should pay more

[Mrs. May]

attention to the views of this national Parliament. They should not just think that they can go off to Brussels, agree what they like and come back and say, "We're terribly sorry, but we didn't have time to talk to you."

Mr. Clappison: Will my right hon. Friend bear in mind the fact that in my short experience in the European Scrutiny Committee I have felt exactly the same about the general approach as my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory)? I have been left with the impression that Ministers are simply subverting the scrutiny process by agreeing to a general approach. What is more, again in my short experience on the Committee, there have been cases of Ministers who have been repeatedly warned not to reach a position, but have gone on and done so without any of the excuses that have been put forward, such as long holidays. They have simply ignored the Committee.

Mrs. May: My hon. Friend makes a powerful and valid point.

As I said, the scrutiny reserve should be put on a statutory basis so that Ministers are required to come to the Committee before negotiations at the European Council and cannot override it. My proposal is based on the Danish model. I recognise that there are some rigidities in that model and that it would be necessary to give the Committee a degree of flexibility so that Ministers could set out a negotiating position before they went to the Council. I accept that it makes sense for those particular discussions to be held in private so that the Government do not give the UK's negotiating position away. The minutes could be made public after the negotiations, however.

My proposal would work along similar lines to the Danish model, although, as I said, the Committee would need to recognise the occasions on which Ministers needed to be given a degree of flexibility. The system would also need to be backed by clear sanctions so that if the Minister broke the reserve—if he or she came to an agreement with the Committee and went on to negotiate a different position—there could be some kind of formal censure. The crucial thing is to put Parliament back in the driving seat and make sure that we help to reduce the democratic deficit by ensuring that Ministers are responsible and accountable in Parliament for the decisions that they take.

Kelvin Hopkins: Will the right hon. Lady give way?

Mrs. May: I shall, but I must then make quite a bit of progress.

Kelvin Hopkins: The right hon. Lady said that some discussions should take place in private so that Ministers would have at least a chance to negotiate behind the scenes. Does she agree that minutes could be made of meetings at the European Council, at which Prime Ministers and other leaders meet in secret, no minutes are taken and crucial decisions are often made? Perhaps that could be done under a 30-year rule arrangement. In that way, we would have some record of what actually happens inside the European Council.

Mrs. May: The hon. Gentleman has again made a powerful point about transparency. I have some sympathy with what he has said. One of the problems about the relationship with the European Union is that precise issue of the secret negotiations that are perceived to take place and the inability of people to have access to what is going on, feel that they are part of it, comment on it and hold people to account.

I perceive another problem with the current system, which I have attempted to overcome through amendment (c)—the Government's ability to ignore amendments that are made by the Committees. When documents are referred, the resolution that comes to the House will not be the resolution agreed by the Committee but the Government's resolution, even when the Committee disagreed with the Government on their position, and the vote can be taken immediately without debate. I noted carefully what the Deputy Leader of the House said, and she is correct about my intention. The amendment would ensure that the resolution that is brought before the House is the resolution of the Committee and that where that differs from the Government's position the Government would have an opportunity to amend it, but that the Opposition day procedure should apply such that the Committee's resolution is the one that is first voted on. That would, again, put the Committee more in the driving seat than the Government. The hon. Lady said that my amendment would not quite provide for what I intended. Having had another look at it and some further discussions, I think that it may, but in the interests of trying to ensure that we get this right I welcome her offer to go ahead and think about a means of putting this into practice having accepted those principles.

Amendment (e) relates to the European Scrutiny Committee meeting in private. As I said earlier, one of the problems for many people is that because they do not have access, they are unable to see what is going on in many of these debates about European legislation. My amendment would reverse that assumption by assuming that the Committee should sit in public, but would still have the power to determine that it would sit in private for particular meetings or for part of a meeting. This issue has been raised on many occasions in this House, particularly in business questions; indeed my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) raised it this very day. There are strong feelings about this, and it would be right to make it the assumption and the norm that the Committee sits in public but give it the power to choose to sit in private for whole meetings or for part of them.

I am sorry that the Deputy Leader of the House has not taken on board some of my other proposals. She is attempting to change the membership of the Standing Committees, which, to abide by the new nomenclature, will now be called simply European Committees. However, the fact that there are only three Committees means that they can have only very limited expertise, although they cover a vast range of topics. Standing Committee B deals with the Treasury, including Her Majesty's Revenue and Customs, Department for Work and Pensions, the Foreign and Commonwealth Office, the Department for International Development, the Home Office, and other matters not otherwise allocated to the other two Committees. That is a vast area for a Committee to cover.

The Government have taken up one of my proposals, which was to have a sort of cross-fertilisation between the Standing Committees and departmental Select Committees to ensure a better flow of knowledge and expertise. I would prefer to go further. There is some merit in exploring the wider use of Select Committees or perhaps specialist sub-groups in Select Committees where Members have built up an expertise in a particular policy area and would therefore be able to bring that expertise to bear if issues from Scrutiny Committee documents were referred to them rather than being referred to a European Committee set up for the purpose.

Mr. Cash: Does my right hon. Friend agree that there could be dangers if a departmental Select Committee, however experienced, were to make decisions, with the centre of gravity on that Committee, if it did not necessarily understand the nature of the legislative procedures and some of the complications that can arise? I offer that as a helpful suggestion.

Mrs. May: I am grateful to my hon. Friend. It sounded to me as if he was offering his expertise to every departmental Select Committee to explain the legislative process to them when they consider these matters.

Mr. Cash: That is not impossible.

Mrs. May: For the benefit of the *Hansard* reporters, my hon. Friend says that that is not impossible.

Another matter of concern to me is the lack of time given to debating European issues on the Floor of the House. The Deputy Leader of the House said in her wider proposals, outside the motion, that she will be looking to have two extra debates each year in Westminster Hall on the Council's programme. That would take us forward a little, but we should consider other innovative ideas. For example, perhaps there should be questions to the Minister for Europe, allowing for a specific time when questions on European matters could be put to the Minister responsible.

I am glad that there are going to be further opportunities to consider changes to the system because there are some real ways in which—

Mr. Peter Lilley (Hitchin and Harpenden) (Con): I am extremely grateful to my right hon. Friend for giving way. She has proceeded with great calm in considering a matter that should surely generate great heat. Why has she not addressed the fact that this process is a charade as long as we have a Government who ignore and despise what Select Committees say? On the central issue of whether they keep their election promises, the European Scrutiny Committee said that their excuse for not doing so was completely bogus. They ignored it. Another Select Committee said the same thing; they ignored that, too. What possible use is there in fiddling around with the procedures in a minor way when the Government treat Parliament and its Committees—Committees with a Labour Chairman and Labour majority—with total and complete contempt?

Mrs. May: The Government's approach, which was set out correctly by my right hon. Friend, is not in itself a reason for us not to do what we can with the systems of this House in order to improve them and to make Ministers more accountable. He referred to examples where the Government have ignored Select Committee views on this issue. Of course, every Member of the Government is ignoring the mandate given to them when they were elected to Parliament by refusing to give a referendum on the treaty to the British people. I am tempted to say that if they are prepared to ignore their mandate and what they put in their manifestos, it is little wonder that they ignore the views of Select Committees.

I support the Government's attempts to take the matter forward and improve our system of European scrutiny through their proposals. They could have gone further, and I would like to see the House go further at some stage. We should have a statutory scrutiny reserve so that Ministers would have to gain parliamentary approval before negotiations in the Council of Ministers. There should also be new powers for MPs to challenge the European Scrutiny Committee and debates on the Floor of the House. Perhaps such a debate could take place if a large number of MPs required it. I would prefer the House to go further on the question of adaptations to the Standing Committee system to bring more expertise into it. As I said, there are other innovative ideas, such as oral questions to the Minister for Europe.

I am grateful to the Government and I welcome the fact that they have undertaken this exercise, but their proposals will not remove the democratic deficit that lies at the heart of our relationship with the European Union.

3.38 pm

Michael Connarty (Linlithgow and East Falkirk) (Lab): I do not know whether I can be brief, but I shall try not to keep the House too long.

I welcome the progress that has been made on this issue since it was taken over by the Deputy Leader of the House. I commend her. She has laboured long in the vineyard, and I know that when it comes to European matters, the vineyard is a very dry one. I thank her for her generosity in accepting amendment (a) in my name and those of my colleagues from the European Scrutiny Committee. I know that I cannot withdraw an amendment that is on the Order Paper, but in the spirit of the way that we have been doing business since the Deputy Leader of the House and others became engaged in the process, I shall not press amendment (b).

I want to thank several people. The Leader of the House obviously takes the matter seriously. As the shadow Leader of the House said, it has been on the agenda for at least three years. Indeed, before the Modernisation Committee produced its report, submissions were made from several quarters, including our Committee, that were not accepted and were perhaps too radical at the time. I hope that, in the distant future, someone will pick up on our suggestions to change the system substantially and move from the current Committee system, in line with the recommendations of the European Scrutiny Committee, which I did not chair at the time. I did, however, support the recommendations.

The idea that our system is flawed and imperfect is not shared by other countries in the European Union. Only four countries have gone down the mandating

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road: Denmark, Finland, Sweden and now Slovenia, although it has still to perfect its system. In our understanding and experience, when something is made so rigid, the first thing that people do is to find a way round it. That is what happens in jurisdictions that have a mandating system. They encourage others to move in Council things that they have been mandated not to accept and then they blame other countries, including us—we have been caught out in that way—for moving against and gaining, by qualified majority voting, the proposal that their Government did not want them to vote for. That is one method of getting around the system—there are many others.

We are regarded as probably the best non-mandating Parliament of the other 23 countries. We are so highly regarded that Macedonia, which wishes to join the European Union but has been criticised by the Commission, has asked the Clerk to our Committee to assist it to build a system of European scrutiny based on ours. When travelling, our Committee goes on a presidency visit and then to see an aspirant country. Macedonia has been soundly criticised for not having a parliamentary system that allows proper scrutiny across the board but hanging on to possibly ethnic groupings in debates in that country—which was at war internally, across its ethnic divide, not long ago. There are many good examples of our practices, and we look to improve them further.

As I said, people who have helped us include the Leader of the House and the Deputy Leader of the House. I wish publicly and on the record to thank the shadow Leader of the House and her deputy, the hon. Member for North-West Cambridgeshire (Mr. Vara), who have engaged with the process seriously. I have read the pamphlet that the shadow Leader of the House produced. It contains some good items. It is like the curate's egg in that nothing is ever perfect, but I hope that we can discuss some of its good ideas outside the Chamber.

I thank the usual channels. The Government and Opposition Chief Whips have worked diligently to try to find a way forward, with assistance from other Members who form part of the usual channels, and we have made progress.

I thank the Chair of the Committee of Selection, who made serious representations to the Liaison Committee, which have helped us to deal with amendment (b), and the Chair and members of the Liaison Committee, who are, of course, the Chairs of the Select Committees. They have said that they are worried about the proposal because it is different from Standing Order No. 119, which provided for fixed membership. We argued that a fixed membership would have more experience as a result of permanently dealing with the business and having set agendas, which happened under Standing Order No. 119. However, the Chairs of the Select Committees are willing to take a chance and try out the proposal. It may impose on some of their members an extra commitment that they do not want.

The proposal would effect something that we have believed should be done for at least nine years, which is the time that I have served on the European Scrutiny Committee: engage the Select Committees, which have subject and departmental responsibilities, in the European debate. That is important because ultimately the Departments will legislate. What comes from Europe does not get passed in Europe; that must happen here. The Select Committees must therefore engage with it more closely.

I sometimes get the feeling that the only people who are supposed to get involved in European matters are members of the European Scrutiny Committee. However, that is not only our job, but that of every Select Committee. Some Chairs have been diligent; for example, my right hon. Friend the Member for Southampton, Itchen (Mr. Denham) who formerly chaired the Home Affairs Committee, regularly attended European debates. The Chair of the Treasury Committee and the Chair of the Business, Enterprise and Regulatory Reform Committee, formerly the Trade and Industry Committee, engaged with European affairs. However, the membership needs to engage with the process too, and that could happen through the mechanism that we are considering.

Mr. Cash: Will the hon. Gentleman give way?

Michael Connarty: I will, but I do not want to take too many interventions because of the time.

Mr. Cash: I very much commend the line that the hon. Gentleman is taking on advising departmental Select Committees, which is all I meant when I intervened on the Deputy Leader of the House. As the right hon. Member for Birkenhead (Mr. Field) has said, an enormous proportion of the legislation that we in this House deal with comes from Europe. Therefore, what the hon. Gentleman is suggesting—and what I reinforce from the Opposition Benches—is that because such a high percentage of legislation comes from the Council of Ministers and affects the whole House, the whole House must respond to it.

Michael Connarty: Although we sometimes spar, the hon. Gentleman knows that I respect him greatly, just as I also strongly respect the right hon. Member for Wells (Mr. Heathcoat-Amory), who is about to leave his place, even though he has different views from me on Europe, because they are serious participants in the debate. That is why we want to engage with Select Committees, so that they, too, engage on a daily basis.

We have already made some progress. Until about six months ago, consultation on Green Papers and White Papers did not involve Select Committees, believe it or not—everyone outside the House was consulted, but the Select Committees, with their expertise and interest, were not asked to give an opinion. The House agreed to change that when our Committee spotted it, and we are definitely moving on.

Mr. Mark Francois (Rayleigh) (Con): I am grateful to the Chairman of the Committee for giving way—he knows that I have a lot of time for him. On the point about consultation and papers, I served on one of the European Standing Committees in the previous Parliament, but the documentation that we had to read often arrived late in the day and was voluminous. The most extreme example was the occasion on which I received 900 photocopied pages the night before, which it was almost not humanly possible to assimilate, as

hon. Members will appreciate. I did my best, but the European Scrutiny Committee summary was the only fighting chance that one had. However, if we are going to have a crack at making a revised system work—I hope that the Deputy Leader of the House will take this on board and that the Chairman agrees with me—there is a responsibility to ensure that members of the revised Committees have a sensible period, of at least a week, in which to read the documents in detail before they speak about them. If that does not happen, that threatens to undermine the integrity of the whole process.

Michael Connarty: That is a perceptive and lucidly expressed concern, and there are a number of things there. We know that the Whips and the business managers have a problem in getting hon. Members who can attend Committees named for them, but it would be useful if at least a week—or perhaps even a whole week and a few more days—could be given, for two reasons. The first is the very reason that the hon. Gentleman mentioned: so that Committee members can receive the papers at the same time, not when they walk into the Committee, and can work on them in their own time. I also believe that something should be done to make an executive summary.

We will certainly be referring documents with the questions that we have raised in our reports that we wish to be taken up in those Committees, so that Committees do not have rambling discussions—this is the whole point of what, I hope, our amendments will achieve. Another point is that people outside this place—civic society organisations and businesses—want to know the membership at least a week in advance, so that they can send members briefings and ask them to ask questions on their behalf, thereby engaging people with Parliament's scrutiny process.

Let me move on to the reasons for our amendment. Neither of the two reasons suggested is correct. In the past few days, when Europe has been to the fore, I have been accused of doing things for my own ego. However, my battered ego is not helped by the number of barbs I get when we are talking about Europe and some people would perhaps rather we were not, but I think it is a good thing that we are talking about Europe. Nor is the reason fear of bullying—I have been threatened by a number of people from this august organisation with dire consequences if I do not sit down and shut up more often, and stop raising Europe all the time. Those reasons might make other people move amendments, but they are certainly not my reasons.

Our two reasons are these. First, this proposal must be tested for the rest of the Session, because it is not a fully fledged set of amendments to deal with everything recommended in the Modernisation Committee report. It has been negotiated in good faith by the Deputy Leader of the House and myself, by other colleagues in the Select Committees and in our own European Scrutiny Committee, and by Opposition Members. We need to check that it will work in good faith, and that we do not find that Members are being put on Select Committees that they do not wish to be on, or that Select Committee Chairs are getting upset by the process, or that my members are nominating people who are not being taken up, while others are being put on instead. If the process works in good faith, that will be a great thing.

Secondly, we have mentioned January because we believe that, between October or November and January, there will be a need for other Standing Order amendments to be made, some of which have been discussed today. Others still lie in the Modernisation Committee report, including the recommendation that the European Scrutiny Committee have a role in initiating the subsidiarity process—the yellow and orange cards that have been mentioned in the main debates that we have been having on the treaty of Lisbon. Also, mention has already been made of the Standing Order amendment that is required to deal with the question of a general approach. We think that we are moving forward from a point where we are always in conflict with Ministers about this, and there are indications that the Cabinet Office is considering putting the matter in its scrutiny reserve resolution. Other Standing Order amendments would therefore be required, which I hope could be looked at between October or November—after looking at what has happened in the rest of the Session—and 1 January.

I thank the right hon. Member for Maidenhead (Mrs. May) for not pressing her amendment on how we do our business in the European Scrutiny Committee. That matter will have to be looked at and resolved. It has been suggested that we should work in the full glare of publicity, but my worry is that the publicity can become the point of the meeting. It begins to be about getting publicity for a political position, rather than about the issues before us in the documents that we deal with. If we can square that circle, so that we can have a genuine debate rather than facing out to the latest member of the press to walk into the room—which we have seen a few times in our Committee when it has been in public session—we shall do a service to Parliament rather than a disservice to the whole process of scrutiny.

Mrs. May: I am grateful to the hon. Gentleman for giving way. I simply want to clarify matters, because I think that he is basing his argument on a slight misunderstanding of what I said. I have not actually said whether I intend to press amendment (e) to a vote. I shall wait to hear what the Minister has to say. It seems only fair to clarify that matter.

Michael Connarty: I had misunderstood the right hon. Lady. I thought that the negotiations had allowed us to reach a position in which we would not try to force this through today. I believe that this is something for which we can work out a methodology in future.

On the general Standing Orders, I welcome the fact that we shall have focus, which we lacked in the interim when we had Sessional Orders, which collapsed the old Standing Order No. 119 Standing Committees but did not put anything of any substance in their place. We just had ad hoc meetings that were like those for statutory instruments, and they were rather pointless. There will now be focus through the European Scrutiny Committee membership—and, I hope, through the Select Committee membership—on that Committee.

I also hope that there will be breadth of engagement by Members. I know that the aspiration of the Deputy Leader of the House is that people will indicate interests and preferences, and will then be put on to the appropriate Committee, bringing their interests and

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expertise to the discussions that take place. The aim is to have more accountability through Parliament and through us. Through our Committee, and through the structures under Standing Order No. 119, as amended, we want to give Parliament—on the Opposition side and on the Government side—the feeling that it can make Ministers accountable. We diminish ourselves when we are not seen to engage with scrutiny properly. The late Foreign Secretary, Robin Cook—who was a good friend of mine—said again and again that good scrutiny made for good legislation, and that poor scrutiny made for poor legislation. We, and the people we represent, want good legislation.

Mr. Anthony Steen (Totnes) (Con): The hon. Gentleman is a very astute, august and respected Chairman of the European Scrutiny Committee—speaking as a member of it, I can say that—but can he give the House some guidance about when he believes the deliberations will take place in public? He represents a party that believes in transparency, so is it not important that the public can actually see the wonderful work we do?

Michael Connarty: If I am august, the hon. Gentleman, as one of the longest serving members on the European Scrutiny Committee, is majestic—*[Interruption.]*—the longest serving member after the hon. Member for Stone (Mr. Cash), I am told. As the hon. Member for Totnes (Mr. Steen) knows, we take transparency seriously, as demonstrated in the report on the Council's conclusions that we published on Monday. We said that draft conclusions should be made available to this House's scrutiny process before the Prime Minister goes off to Council meetings to agree them. I repeat that we believe in transparency, but I take the hon. Gentleman's friendly admonishment that we may not have looked into that matter sufficiently for a number of years—not since I became the Committee's Chairman, in any case. I give the hon. Gentleman and other hon. Members an honest pledge that we will look into it further during this Session.

I shall not hold up the debate any more. We are making progress. The position that we are debating here represents progress from where we found ourselves when the Sessional Order resolution was moved and amended three months ago. I hope that the House will accept the amendments proposed by Government Front Benchers and our amendment (a).

3.56 pm

Simon Hughes (North Southwark and Bermondsey) (LD): I am happy to follow the hon. Member for Linlithgow and East Falkirk (Michael Connarty) and to say to him what Liberal Democrats have said before—that we owe him and the European Scrutiny Committee a debt for doing such a good job. We are grateful for the Committee's consistent and wide interest in ensuring that it does an ever-better job and for making its views clear to the rest of us so that Parliament can have better processes for dealing with European legislation. I thank the hon. Gentleman very much for that.

I would also like to thank the Leader of the House and the Deputy Leader of the House for picking up a ball that has effectively been on the ground since the Modernisation Committee reported nearly three years ago in March 2005. You will recall, Mr. Deputy Speaker, that the Modernisation Committee made about 25 recommendations covering the whole gamut of scrutiny of European legislation. It is not before time that we have come to this point. We all come to it from the same general point of view—that, by definition, there are now two ways in which laws come to Parliament. They come either from the Executive—or very occasionally from a Back Bencher—or from the European Union and its processes. That is entirely understandable.

We heard the right hon. Member for Birkenhead (Mr. Field) suggest the cock-shy assessment that 60:40 is now the balance of the volume of legislation that we deal with—60 per cent. originates from Brussels and 40 per cent. from Whitehall. I do not have accurate figures, just as the Deputy Leader of the House said that she did not have them. It is certainly the case, by definition, that a large amount of legislation comes from Brussels, so it is absolutely right to have as good a system of scrutiny of Brussels proposals—and of the Government's attitude to matters on the European Council agenda—as we have of Whitehall legislation.

This can seem arcane, technical and anorakish for people outside Parliament, but I have a simple triangular diagram to understand legislative activity. Down one side comes Whitehall legislation to Parliament at the bottom of the triangle; down the other side comes European legislation—but of course Whitehall and Brussels keep on talking to each other, which means that the third side is in communication with the other two. We have to ensure that those two streams are well filtered so that we know what we are doing.

To try to bridge that point, we have colleagues who scrutinise secondary legislation. We all scrutinise primary legislation—now, mercifully, sometimes in draft as well as in the form of final proposals. We have colleagues who scrutinise secondary legislation and they alert us when they think that something is important. If it is important, it comes here. That is exactly the same system that we should have for European legislation. Members across the board—not whipped and dependent on their parties' views, but doing a job on behalf of Parliament—should spot what is important so that we are alerted to it.

I have never served on the European Scrutiny Committee, but I have attended sittings of European Standing Committees on specific subjects, and in my experience the main issue is the one raised by the hon. Member for Rayleigh (Mr. Francois), who made his apologies for having to leave early. On occasion, Ministers have not wholly shared with us what is happening or is about to happen, or we have been given the relevant documents too late to do anything about it. I can even cap the example given by the hon. Member for Rayleigh of the monster document that was almost impossible to digest. Of course, there may be a lot of preamble and general Eurospeak to start with. I was a member of a Committee that did not have the documents in the right language, and did not have the latest versions.

Those examples are incidental, and such incidents may occur less frequently than they did, but the fact is that they should never occur. The blunt truth is not that we should be able to mandate Ministers—I understand the point that has been made about that—but that we should be able to engage in honest scrutiny of what is on the table before an Agriculture Minister goes off to talk about fishery quotas, a Trade Minister goes off to deal with patents, a Foreign Minister goes off to negotiate treaties, or the Prime Minister goes off to negotiate the most important of treaties. At a time when we do not have a proper treaty scrutiny process, it is especially important for us to be able to quiz Ministers.

Impressions of Ministers have varied. It seems that some have been very good and co-operative, while others have been much less good and apparently much less co-operative. Members of the Committee, along with others, have sometimes felt frustrated by a lack of engagement in debate. I am well aware that therein lies the issue of when a session needs to be held in secret. Of course there will be occasions when it is necessary so that we do not show our hand in public when a crucial negotiation is taking place, but that does not preclude the presumption that a session should be open to the public unless there is a good reason to the contrary. That is why I support the amendment tabled by the right hon. Member for Maidenhead (Mrs. May): it does not propose that all sittings should take place in public, but suggests that it should be presumed they will unless a decision is made to hold them in secret.

Mr. Clappison: The hon. Gentleman mentioned treaty negotiations. It may help him to form a view of the relationship between this country and the European Union when treaties are being negotiated, and also of the behaviour of the present Government, to know that the European Scrutiny Committee was kept completely in the dark about negotiations during the run-up to the June intergovernmental conference. Until a fortnight beforehand, we were told that nothing at all was happening. We were wasting our time even trying to scrutinise what was taking place.

Simon Hughes: I am well aware of that. I was alerted to it by a Committee colleague, my hon. Friend the Member for Teignbridge (Richard Younger-Ross), and it is entirely unsatisfactory. At the top of the pyramid of importance in the current Parliament is the most important European Union document, the treaty that is the subject of the Bill currently before the House, and it really should have been possible for us to scrutinise and discuss its earlier drafts. It is nonsensical that that was not possible.

Mr. Lilley: With the greatest respect, how can the hon. Gentleman expect to be taken seriously when he pays lip service to the importance of scrutiny and describes the European treaty as the most important issue before the House, given that although the European Scrutiny Committee has compared the treaty with the European constitution and concluded that they are fundamentally and essentially the same, he continues to engage in the pretence that they are different? When the hon. Gentleman treats the European Scrutiny Committee—and the Foreign Affairs Committee—with contempt, why should we pay any attention to the lip service that he pays to the need to improve the prestige and authority of those Committees?

Simon Hughes: What lies behind the right hon. Gentleman's question is a difference of view on the treaty, which I understand. I do not treat the Foreign Affairs Committee or the European Scrutiny Committee with contempt in any way. I have looked at both the original proposals for the treaty and those before us now, and in my view there is a significant and substantial difference; I have formed my own judgment about that. The first set of proposals would have replaced all the European Union treaties with a new and much larger and more expansive document, whereas the second set would not. They are, therefore, different.

It does not follow from that that there is a difference between the right hon. Gentleman and my party colleagues and me on the notion that the people of the United Kingdom should have a vote on these issues; the difference between us is simply that we believe the vote should be on the larger question, "Do you, the British people, want to be part of the EU on the terms proposed, or not?"

Mr. Deputy Speaker: Order. We are now straying rather wide of the matters under discussion. May I encourage the hon. Gentleman to come back on target?

Simon Hughes: Of course, Mr. Deputy Speaker, although I was only responding to the earlier intervention.

Mr. Cash On a specific point that I think is on target as it is to do with the scrutiny processes of this country, because of majority voting there is necessarily an interaction with other countries' voting arrangements, so it is also important for us to bear in mind what happens in those countries. I am sure that the hon. Gentleman agrees that many, if not most, of the 27 member states have a wholly inadequate scrutiny process in either their Committees or Parliament. Does he not therefore agree that there is a serious democratic gap in how this legislation is passed in Europe as a whole?

Simon Hughes: Yes, I do; my colleagues and I have argued that. Being mindful of your strictures on addressing the proposals under discussion, Mr. Deputy Speaker, I will be succinct in my comments on this matter. The two principal deficits are that the European Parliament does not have enough power and that the European Council meets behind closed doors where it can carve things up, out of the public domain. So, yes, there is inadequate scrutiny there, but we are talking today about scrutiny here.

There is an unresolved overlap or tension between the responsibilities of subject Select Committees and the European Select Committee. The most common overlap is with the Foreign Affairs Committee; it did its own work on the Lisbon treaty, for example. There is still work to be done on where the dividing lines should be drawn. The Liaison Committee has an interest in this matter as, of course, do the Committee chaired by the hon. Member for Linlithgow and East Falkirk and

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the departmental Select Committees. Work must be done so that we make the best use of the expertise in this House and ensure that subject-specific areas of European legislative proposal are looked at by those who take the greatest interest in them. We might need to make further changes.

It might be the case that each of the subject Select Committees has a sub-committee dealing with European affairs and has relevant expertise so an interrelationship might be of benefit. I realise that there are proposals on the Order Paper seeking to deal with that, by allowing people from the relevant Select Committee to be on the relevant European Committee when it deals with certain matters. That is an improvement, and I welcome it.

The current commentary is to the effect that the scrutiny process in the other place has become very effective and we might still have quite a way to go to catch up. The hon. Member for Linlithgow and East Falkirk and his colleagues have done very well, but there is certainly now strong scrutiny in the other place. The Modernisation Committee proposed a Joint Committee; the largest number of recommendations to it were for a Joint Committee on Europe, which would be a very strong beast.

The Minister has not responded to that proposal, and I think I am right in saying that, unusually, we have not had a Government response to this Modernisation Committee report on these issues. Usually, we get a Committee report and the Government publish their response; in this instance, the response has come in the form of this debate and the proposals made. I urge the Deputy Leader of the House to think seriously, in conjunction with colleagues and being mindful of all the sensitivities, about whether there is not merit in having a Joint Committee of both Houses on these matters, not least to do the sort of things that the Modernisation Committee suggested, for example, questioning Commissioners. We have lost that good idea in the process of moving where we have.

The Leader of the House and her deputy have consulted on these proposals, and they are generally welcome, because they are all steps in the right direction. I thank them for their courtesy in consulting. They picked up the desire for moving in a more effective direction, and that is reflected in the motion. That is good.

I am glad that the Government have accepted amendment (a), which proposes that we try this system for a period and then re-examine it. The Deputy Leader of the House says that she sees this as being the next phase and by no means more than that, and that we might need to move on relatively quickly in the light of ideas and suggestions. That is also good.

I heard the Deputy Leader of the House say that she has accepted the important principle of amendment (b), which is that the people who go on to the relevant Committee from the European Scrutiny Committee should be the people whom the European Scrutiny Committee judges are the most appropriate to do that job. Let us be absolutely honest about this. One of this bit of the system's traditional failings has been that many nominations were made because the Committee of Selection was under pressure to fit everybody in, and thus people who were not volunteering, who were not keen and who were not knowledgeable were chosen. People were selected because it was their turn to do this duty or because they had been naughty boys or girls and they had been selected as punishment. That approach is nonsense.

Given the issue's seriousness, we must be serious about who does the job, hence the principle that the European Scrutiny Committee should be permanent for a Parliament to enable it to build up expertise. The three new European Committees— there is a question as to whether we need only three—should contain a core of expertise that remains.

Let us consider the example of the Committee that will deal with justice and home affairs. Such issues—terrorism, immigration and so on—are important. Even if the UK has the opt-outs under the Lisbon treaty, or even with a loss of business, that Committee will need people who know what they are talking about, who have been there before and who do not just turn up for a week or two and then leave. I think that the Deputy Leader of the House understands that.

These Committees need to contain a core of people who see such scrutiny as a main and important function. That is the feedback that I have been given, and it is the impression that I have picked up when I have been involved. We might need to have a cross-party discussion, led by the European Scrutiny Committee, about the number of Committees we require. It may be better to have four or five Committees with fewer members, where people are able to take things seriously, covering the main subject areas of European Union legislative activity.

I come to a general reform of government point, which the Deputy Leader of the House has heard me make before. We have a Government who have grown to be far too big for the legislature—there are now more than 100 Ministers, in addition to the Parliamentary Private Secretaries. If none of them can be free spirits, the number of people available to do all the Committee work is reduced. Until and unless we rein in the number of Ministers and Parliamentary Private Secretaries relative to the number of Members of Parliament, we will always struggle to get the people with the expertise to do the scrutiny job. As everybody has said, it is very difficult for the legislative to rein in the growth of the Executive. It is always difficult for Governments to deliver on that because they get tempted to do otherwise.

I have two final points to make. On amendment (c), it must be right that a motion that comes from a Committee to Parliament is the motion that the Committee agreed. We must start with the starting point. There is no point in having a Committee that is then counteracted. I shall listen carefully to what the Deputy Leader of the House says in her winding-up speech, but if I have understood her correctly, she accepts that this case should be the same as that for Opposition days, when the motion is chosen by the relevant party and then amended by the Government. For the benefit of outsiders, that would mean that the subject would come from the Committee, not the Government. That is important and would be the right way round.

An indirectly related point is the scrutiny reserve. That is another technical but hugely important

point—we all know what it means, but if we were to do an opinion poll in any of our constituencies, we would get more than the usual number of blank looks from people.

Kelvin Hopkins: And from many hon. Members too!

Simon Hughes: The hon. Gentleman, our friend from the Committee, suggests that not everybody here would know what it means, but I think that that would be unfair.

We need to get grips with that issue. Written questions are often asked about how often the scrutiny reserve has been used, and the answer is that it is used regularly. Sometimes that is understandable, but I have a clear sense that it is used far too much. There are some answers to that problem. The first, which is related to the summer holiday problem, is that the scrutiny process must go on over the summer recess if we insist on breaking over the summer. The better solution, which has been proposed by my colleagues and resisted by the Government, is to break when the school holidays start in the summer, come back when the schools go back at the beginning of September and do some work as a Parliament in September before breaking again around the party conference season. Alternatively, we could move the party conferences.

There is no justification for this Parliament going away from its business for three months when, for a large part of that time, the European Parliament sits and European business—whatever we think about holidays in Brussels for people in the Commission—goes on.

Michael Connarty: On that point, I did not mention the fact that we received correspondence as well as holding meetings. One piece of correspondence from the Deputy Leader of the House that we considered contained the suggestion that the European Scrutiny Committee should meet in the summer recess. We have already informally discussed that. In general, we agree as a Committee—although I would have loved the provision to be made by Standing Order, because it would then not have been blamed on me—that we should meet sometime in mid-September to deal with the business that would normally fall foul of the scrutiny reserve because we did not look at it in time.

Simon Hughes: If that is the view of the Committee, I am grateful. It does not trump the argument that Parliament should be here, but the scrutiny process should certainly go on.

The Deputy Leader of the House suggested that, even if there was to be no change to the Standing Orders, we should routinely have the opportunity for a gradated report back from Ministers by written statement on the least controversial issues, in Westminster Hall on the more controversial issues, or on the Floor of the House on the most controversial issues. I understand that that is what the Deputy Leader of the House proposes. It is a welcome development that will help to provide consistency. There will be a regular review of European legislation on the Council's agenda twice a year in May and autumn.

Helen Goodman: I am sorry if the hon. Gentleman thinks that the proposals are even better than they are. We are suggesting that there should be two debates in Westminster Hall on the Commission's work plan and legislative programme. Had hon. Members tabled amendments to the Government motion proposing reporting back in Westminster Hall, we would have been minded to view them sympathetically. However, they would have required changes to Standing Orders. At the moment, that is not on the table.

Simon Hughes: I am grateful for that honest clarification. I saw the note about the proposal that the hon. Lady circulated earlier, and it is clear that there is a bit of administration that we still need to do. She has said that the Government are willing to consider the proposition, and I hope that we can reach agreement quickly. After significant negotiations, a scheduled opportunity to hear from and question Ministers in Westminster Hall would be welcome.

Mrs. May *rose—*

Simon Hughes: I see that the right hon. Lady is going to support the proposal too.

Mrs. May: I am sorry to disappoint the hon. Gentleman, and I should probably put it on record that we have had conversations on this subject. As he said, it was in one of the earlier proposals circulated by the Deputy Leader of the House. I do not have concerns about the European dimension, although if the matters involved are so significant they should be discussed on the Floor of the House rather than in Westminster Hall. However, the possibility that oral statements could be made in Westminster Hall starts to change the nature of that forum and its relationship with this Chamber. That is why I am not comfortable with the proposal that has been made.

Simon Hughes: I understand that, and the right hon. Lady is elucidating a matter of principle, but the negotiations remain to be completed and I am sure that there is a way to ensure ministerial accountability.

I end by saying that we are asking for accountability before decisions are made, not afterwards. That is the fundamental thing that I and other colleagues are looking for. Before Ministers go to Europe, we must be able to hold them to account and express our views in a vote, free from the Whips and party pressures. We will be considering the position adopted by the UK in the 27 EU member states, so it is very important that we are seen to act honestly, openly and transparently.

We have taken a good next step today, but further work must be done if we are to regain the confidence of the British public. People must believe that what comes out of Brussels is properly scrutinised, and that requires that the UK Parliament play a full and central part in ensuring that the right decisions are made.

4.21 pm

Kelvin Hopkins (Luton, North) (Lab): I am pleased to be able to contribute to the debate, as it is on a subject in which I have a considerable interest. I am pleased too that the measure under discussion is an interim provision and that we will be able to look

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further at how we scrutinise European legislation and documentation in the future.

I became a member of the ESC a few months ago. I much enjoy the work and take a great interest in it, but for eight years I was a permanent member of European Standing Committee B, so I speak on these matters with some experience.

The right hon. Member for Wells (Mr. Heathcoat-Amory) has left the Chamber, but I hope that the remaining Opposition Members will accept that, when I say that European scrutiny should continue to be conducted in private, I am not trying to be secretive and to prevent the public from knowing what we do. Instead, my concern is to provide a space in which our advisers are able to speak freely and frankly to us. If we were to meet in public, my fear is that they would feel constrained and that they had to be much more reserved. Indeed, they might even believe that they had to resort to supplying written documentation rather than speaking to us, because there is no doubt that being reported on television and in the press would turn them into public figures.

That would not be right. They are very much our advisers: they are not part of the cat's paw of Government and they give us honest advice that I have found to be very valuable. It is refreshing because it is so direct. Although I do not always agree with it, we all know that the Government are not trying to control us by means of the advice that we are given. That is the point that I want to make about secrecy.

Three and a half years ago, I made a written submission about European scrutiny to the Modernisation Committee. I had forgotten about it, but I found it today and read it through. Much to my surprise, I discovered that, even now, I agree with what I wrote then.

I agree with much of what has been said in the Chamber this afternoon. My hon. Friend the Member for Linlithgow and East Falkirk (Michael Connarty) is an excellent Chair of our Select Committee. He does a tremendous job, and I agree with what he said earlier. We had a meeting last week with my hon. Friend the Deputy Leader of the House, and I agree entirely with the trenchant observations that he made. She may even remember some of the remarks that I made, and I still stand by them.

I should like to emphasise how important it is that European Committees, or European Standing Committees as we called them, have permanent members. It would not be the same if members were appointed ad hoc, even if we tried to ensure that they were enthusiasts. I was a member of European Standing Committee B for eight years and I saw things go wrong, in a sense. Right at the beginning, in 1997 when I first became a Member, everyone wanted to speak and ask questions in Committee. The Ministers came along knowing that they had a strong, robust Committee to deal with, and they did their homework.

I remember that one former hon. Friend, Helen Liddell—well, she is still honourable and still a Friend, but she is no longer in the House; she is ambassador to Australia—was concerned to make sure that she got a real grip on the documents and knew what she was talking about. She was prepared to answer all questions and to make a proper speech. Sadly, because Ministers are no longer treated so enthusiastically by Members who come to speak and ask questions, Government Members—I will not mention names—do not do their homework in the way they used to. The typical performance now is for the Minister to speak, then the Opposition spokesperson, and then the Liberal Democrat Front Bencher. Sometimes I speak, too. That is about it; very few other people participate.

Sometimes, the lack of enthusiasm has meant that there is pressure not to speak or ask questions, because if one did the meeting would go on longer, and people wanted to get away. The atmosphere is that of a Statutory Instrument Committee, where Members are not interested in the subject and want the Committee to be over quickly, and so do not speak or ask questions. That is not how we should treat European legislation; it is too important for that.

Mr. Cash: I agree with the hon. Gentleman. We are on the same Committee and have experience of how it works in practice. However, I should like to add to what he said about the Whip system. My point also relates to what I said earlier to the shadow Leader of the House. The essence of the problem is that whatever is decided in a European Standing Committee, based on the merits of the debate, really ought to matter, but in one sense it does not. Yes, there is a debate, but if the European Standing Committee turns down a proposal, the position is automatically reversed on the Floor of the House. As I am sure the hon. Gentleman will agree, that is why many people in Committee believe that they are going through the motions. To that extent, the process needs to be reformed much more drastically.

Kelvin Hopkins: I understand that point, and I raised it in an earlier intervention, but we have a strongly-whipped parliamentary system, and we cannot get round that too easily. I still believe that the scrutiny meetings and debates on the Floor of the House are important and have some influence. When I speak in a European Standing Committee—I spoke in one last Monday on rail freight, a particular interest of mine—I know that I am speaking to a Minister, who will hear my view. Departmental officials and staff of the House are also present, and hopefully they are all listening and taking note, and are somewhat influenced by what one says. There might even come a point when a Committee defeats a Government motion—the motions are mostly "that the Committee has noted" something. The defeat may then be reversed on the Floor of the House, but the point has been made. That puts pressure on the Government and Ministers, and will at least be a matter for future reference. Perhaps such a defeat will have some influence in the subject area concerned. That is the best that we can do.

One of the points that I made in my submission to the Modernisation Committee was that our system may not be perfect, but it is the best that we have, although I do not describe it as a Panglossian "best of all possible worlds". We consider issues seriously, and our arrangements are better than those of some other nations. One of my concerns, which I am sure is shared by some Opposition Members, is that under qualified majority voting, things can be voted through because many European nations do not take scrutiny seriously.

They rubber-stamp anything that comes from Brussels. Countries such as ours, which might take a more serious view, cannot obtain a blocking majority because so many countries simply rubber-stamp things, because we are all Europeans now.

Not long ago, I said in a debate in the Chamber that many European Governments—by which I meant systems of government—are less trusted by their citizens than ours. Even with the relative decline in turnout in the UK, by and large people still think our system of government is important and they continue to trust it. We take our Government seriously, whereas in Italy, which has had a chaotic system of government since the second world war, many citizens do not take their Government too seriously; they may say, "Well our Government is useless but at least we've got the European Union and it might knock some sense into their heads". I do not know whether they think that, but it is possible. We tend to think the opposite—we do not want to be governed by Brussels because we can perfectly well govern ourselves. Because we take such things seriously, we should at least preserve our existing scrutiny system and try to improve it, which we are discussing this afternoon.

Permanent membership of Committees is important. Our Whips, or those who appoint Committees, should explore with Members what their interests are and whether they are prepared to take their Committee membership seriously, as with Select Committees. In our party, we apply for membership of Select Committees and are, in effect, appointed by our Whips because we have at least an interest in the subject. If we took that approach with European Committees and their status was raised, even though attendance might still be whipped there would be proper participation and proper questioning of Ministers. Members would at least have looked at the documents and could ask questions or make a speech on the important things.

I agree with the right hon. Member for Maidenhead (Mrs. May) that we should have more debates on the Floor of the House, not just in Westminster Hall and not just general debates. There are two things that should always be debated on the Floor of the House, and with a good time allowed: the European budget and the report of the Court of Auditors. They are serious documents about whether our money is being spent appropriately and not corruptly.

Will my hon. Friend the Deputy Leader of the House give serious consideration to the possibility of instituting permanent membership of the European Committees? That would be difficult if there were too many Committees, as I pointed out in an earlier submission, because we would have to find more members for them. When I was first an MP, there were two European Standing Committees and then there were three, which is enough. There should be three European Committees with permanent members who take the job seriously and make sure that we perform scrutiny as we should.

Although I have been a member of the European Scrutiny Committee only a few months, I think that it works well, which is partly to do with the splendid way it is chaired. Its members take the Committee seriously and they do a good job, for which I commend them. I enjoy being a member of the Committee because it is taken seriously, but I do not care to be intimidated by fellow Members into not speaking in Committee because it will delay proceedings and they want to go home. In the past, even one of our Whips has occasionally said, "You're not going to speak, are you?" That is inappropriate if we are to take our job seriously, and my hon. Friend the Deputy Leader should have a word with our Whips to make sure that it does not happen in future.

I hope that my hon. Friend will take note of the points I have made and ensure that scrutiny works well in future both on the Floor of the House and in the Committees.

4.33 pm

Mr. William Cash (Stone) (Con): The debate has been very useful and I am extremely glad that we have achieved so much agreement. I am also glad to learn that the measure, although important, is an interim one, because we shall need to tackle other matters, as the hon. Member for Luton, North (Kelvin Hopkins)—a co-member of the Committee—suggested.

I want to make a number of points to set the background for our debate. One of them arises from the amendment tabled by my right hon. Friend the shadow Leader of the House regarding the Committee's decision about whether it should sit in public. This is not in any sense a criticism, but an important addendum to the amendment. It relates to the manner in which the chairmanship of the Committee is decided.

The proposal from the shadow Leader of the House is that the Committee shall sit in public unless it determines otherwise. The Committee's decision about whether to sit in public would inevitably be determined by the agenda, which would be prepared by the Chairman. The Chairman of the European Scrutiny Committee knows well enough that there are occasions when I do not agree with his decisions, although of course I abide by them, because we try to work as well as possible. Nevertheless, there are occasions when I vote against his proposals in Committee and they are registered in the formal minutes.

We should bear it in mind that there are many Select Committees but only two scrutiny Committees in the House of Commons: the Public Accounts Committee and the European Scrutiny Committee. Although the Public Accounts Committee undoubtedly has a much higher profile, I pay tribute publicly and openly to the hon. Member for Linlithgow and East Falkirk (Michael Connarty) for what he has achieved in the past months since becoming Chairman. In relation to a vast amount of European legislation—for example, in connection with the latest treaty—the issues that crop up get into some extremely sensitive areas in matters of concern to the Government.

The Public Accounts Committee, by convention, always has as its Chairman a member of the Opposition. Even with my 23 years on the European Scrutiny Committee—I would be extremely surprised if any other Member of the House had been on any Select Committee continuously for 23 years—I have never expressed any wish or desire to be Chairman of the Committee, but I think the chairmanship should be in the hands of the Opposition party. I would be

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grateful if the shadow Leader of the House took account of this point, which is a matter of extreme importance on occasions.

Michael Connarty: If the hon. Gentleman reads some of my remarks earlier in my own speech, he will see that our Whips think the Committee is indeed chaired by a member of the Opposition.

Mr. Cash: We would concur with that. That is why I wanted to pay tribute to the Chairman. Although we have had a number of disagreements, that is part of the political process. He takes a view on the treaty and on Europe in general that I do not share, but none the less his chairmanship has been extremely good. That is without prejudice to my main concern, which is that just as the Public Accounts Committee should be in the chairmanship of the Opposition, so the chairmanship of the European Scrutiny Committee should be, as well.

Remarks have been transferred back to me about what took place in the Modernisation Committee on one occasion, in the mistaken belief that I wanted to be Chairman of the Committee in view of my long tenure. Somebody suggested that the reason the Opposition did not get the chairmanship was that according to seniority, by a long way, I would get it and that would not be in the interests of those who oppose my views. Well, I do not worry about that because I do not and never have put myself forward as Chairman of the Committee, but the argument that I have advanced about the need for the Opposition to hold the Chair stands good, without prejudice to the excellent work that the current Chairman does.

Mr. David Drew (Stroud) (Lab/Co-op): I thank the hon. Gentleman for giving way and I apologise for not being present for most of the debate, as I have been in the Westminster Hall debate. Does he agree that the answer is that Select Committees should decide their own Chair? It is outrageous that that is laid down for Select Committees. Many of us would have no compunction about voting for someone of a different party if they were the best Chair for the Select Committee. That is the way the matter should be handled.

Mr. Cash: I agree. My party has a taskforce, chaired by my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke), on democracy and the workings of Parliament. I pay tribute to my right hon. and learned Friend's work, although I had one big disagreement about European scrutiny, which is one of the issues raised in the report. I also pay tribute to the contribution of my right hon. Friend the Member for Maidenhead (Mrs. May) on questions of scrutiny; I shall come to one of her specific proposals—amendment (f)—in a moment.

There is a problem about how representations are made to the Committee. For the Committee to be able to deliberate as is proposed under these changes to the Standing Orders, and even as it does at the moment, there are excellent advisers, to whom the hon. Member for Luton, North referred. I pay tribute to them. I have been on the Committee for 23 years and believe that they have been an enormous bulwark and have offered excellent advice. They are completely dispassionate; I have never had reason to doubt the quality of their advice or of the enormous amount of work that they put into the incredibly complex documents.

I should like to pay special tribute to the current legal adviser to the Committee—and to his predecessors, but especially to him. He has shown dedication and an enormous amount of legal knowledge of a kind that simply cannot properly be quantified.

Mr. Clappison *indicated assent.*

Mr. Cash: My hon. Friend agrees with my tribute, and I know that my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) also would if he were here.

Kelvin Hopkins: I agree with everything that the hon. Gentleman has said on that. Does he agree that the cover notes on all the documents are absolutely first class—clear, concise, well written and to the point—and in extreme contrast to the almost unintelligible documentation coming from Europe?

Mr. Cash: On the whole, people outside the House, particularly media commentators, pay absolutely no attention to what goes on in the European Scrutiny Committee, although I have noticed that some of the sketch writers come in occasionally. Generally speaking, European scrutiny is regarded as a subject to be accompanied by an enormous yawn and seen as about the most boring thing on earth. However, the bottom line is that the scrutiny of European legislation is at the heart of what goes on in the House.

Earlier, the right hon. Member for Birkenhead (Mr. Field) said that the German Parliament had calculated that 60 per cent. of its legislation initiates in Brussels; in fact, former President Herzog put the figure at 85 per cent. I do not believe that such people are trying to mislead or exaggerate, any more than we are when we make our own estimates. The fact is that the whole of the legislative process has, in a sense, been inverted. Without going the whole way down that route, I simply make the point that that is why the focus on the European scrutiny process is so critical.

As the hon. Member for Luton, North pointed out, and as I did in an intervention on the hon. Member for North Southwark and Bermondsey (Simon Hughes), if that scrutiny is not done properly in the other member states—if things are done in a way that is inconsistent with our vital national interests—and we are governed by qualified majority voting in the Council of Ministers, the consequences could be dire for this country. I want to put that general proposition on the record.

Just before Christmas, another point arose in the context of a failure to comply with the resolution of November 1998. In a motion that I proposed in the European Scrutiny Committee—I am not disclosing any confidences, as this is well known—I proposed that the Prime Minister should be required to comply with the scrutiny reserve Standing Orders and that resolution with respect to the signing of the treaty.

As regards the document that we had considered, it was in the spirit of Standing Orders—the key thing in relation to the manner in which the procedures of this House operate—that for the words "IGC opinion", one could read, "reform treaty". We said that there should be a debate on the Floor of the House and that that should be done before the Prime Minister signed the treaty on 13 December. That was not done, and the bottom line is that there was a bit of buckling all round. My right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) and I, with about 12 of our hon. Friends, went through the Lobby to support our opposition to the position that the Government had adopted. I think that there was a misunderstanding in some quarters as to the importance of all this, as I said when I intervened on my right hon. Friend the Member for Maidenhead. I believe that our party should have put its foot down very strongly on that occasion. It caused a few ruffles, but let us not worry about that, because these things happen in the political arena.

I was delighted to notice that the next morning an excellent pamphlet written by my right hon. Friend the shadow Leader of the House was published in which she laid down the requirement that if circumstances arose in which the Government did not comply with the scrutiny reserve, the most dire sanctions should be visited upon them. I will not go into the detail because I do not have the pamphlet with me. For practical purposes, she was completely right. We all learn from these experiences, and the shadow Leader of the House has done us a service by publishing that pamphlet, although I have no doubt that there are other matters which we could discuss further and which could be added to it.

Another question is that of representations to the European Scrutiny Committee by bodies such as the CBI, the Association of British Chambers of Commerce and the Institute of Directors. I mentioned that when I spoke on Second Reading of the Single European Act in 1986 and I wrote an article in *The Times* about it in the same year. I said, in the light of my experience in advising on the impact of legislation for 20 years before I came to the House, that in relation to scrutiny it is essential that trade associations that are concerned to get matters right for their membership—it applies to the trade unions as well—should make their views known in advance to the Committee. Our scrutiny reserve process provides a breathing space by putting on hold any decision by a Minister in the Council of Ministers, and in that intervening period, after we have given it due consideration, a change of mind could take place. That makes any overriding by a Government Department of a decision that is taken by the Committee, where it is done wilfully, a grievous breach of Standing Orders and of the resolution of 1998.

I put the matter of the Lisbon treaty and the Prime Minister into that category. I urge people in trade associations, professional organisations and trade unions to volunteer information to the Committee so that our advisers have the best possible advice available on what is going on in the world outside. With the best will in the world, they can form a judgment as expert advisers, but they need as well-informed a judgment as possible. What would be better, in relation to questions affecting industry, commerce or whatever, than all the people who wanted to make representations being able to use the Committee as a means to ensure that any debate that is held is held on the right basis?

Kelvin Hopkins: I agree with the hon. Gentleman about outside organisations making representations so that we are better informed. Would it not also be a good idea for general advice to be issued to Select Committees stating that any documentation that comes to them that they think relevant to European legislation should be passed to us on a regular basis? Many Select Committees, such as the one I belong to, receive a series of documents submitted by outside organisations, which give very valuable advice. Those might be helpful to the European Scrutiny Committee, too.

Mr. Cash: I concur with that point. I support any means whereby the maximum useful information can be made available in a decision of matters that, once decided in the Council of Ministers, becomes apparently irrevocable. Such decisions cannot be changed by this Parliament except through the use of the formula

"notwithstanding the European Communities Act 1972",

which I believe we should use, perhaps more often than some people might suppose. The question is one of whether we legislate in this House, or through the Council of Ministers and the European Court of Justice.

On the point made by the hon. Member for Luton, North, there is a provision in the Standing Orders about the European Scrutiny Committee. Standing Order No. 143, paragraph (11) states:

"The committee shall have power to seek from any committee specified in paragraph (12) of this order"—

that is, the Select Committees, their Sub-Committees, the Public Administration Committee, the Public Accounts Committee, and the Environmental Audit Committee—

"its opinion on any European Union document, and to require a reply to such a request within such time as it may specify."

That power has not been used very often, but it is important if we are to get scrutiny right because the interaction—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I am sure that it has been extremely informative to put the answer to that question on the record, but it lies outwith the motions and amendments we are discussing. I think that I should steer the hon. Gentleman back to the proposals before the House.

Mr. Cash: I am grateful to you, Mr. Deputy Speaker, because having served on the European Scrutiny Committee with you for 14 years, I know that you know a great deal about how the workings of the Committee.

I now move on to the proposal in amendment (f), which is described as:

"Debate on decisions of the European Scrutiny Committee".

My right hon. Friend the shadow Leader of the House—

Mr. Deputy Speaker: Order. I remind the hon. Gentleman, before he goes too deeply into this matter, that that amendment was not selected by Mr. Speaker.

Mr. Cash: I am extremely grateful to you, Mr. Deputy Speaker. I had not appreciated that; I would not have referred to it otherwise. It is an interesting amendment, but I had not appreciated that it was not selected. What a pity—particularly as I was one who proposed the idea behind it, which the shadow Leader of the House then took up. But there we are. It is funny how these things go in circles. *[Laughter.]* I think that I am getting the message.

The other point I want to make relates to amendment (d), which I think has been selected. I hope that I am in order there, Mr. Deputy Speaker.

Mr. Deputy Speaker: Unfortunately not.

Mr. Cash: A number of amendments have not been selected, and I apologise for even referring to the existence of this one. It suggested that there would be a power to send for officials of the European Parliament and the European Commission—something we should do more regularly.

The essence of the important debate is whether we can improve the quality of the scrutiny process, for reasons that go to the heart of the way in which we tackle such issues. The Committee was set up immediately after the European Communities Act 1972 was passed to act as an advisory body and ensure that things were done properly. On the whole, in the years since 1972, the Committee has done a good job and is getting better. When I first served on the Committee, there was a tendency to be rather relaxed about some provisions. Nowadays, a serious analysis is conducted, possibly because the accumulated functions have become so great that we have to take the Committee even more seriously.

We need to improve our arrangements. I still believe that the "notwithstanding" formula will become necessary, for example, for the charter of fundamental rights, the supremacy of Parliament and the Bill of Rights provisions, which we will discuss later, when we consider the treaty. Having said that, the debate is important and the European Scrutiny Committee does a good job, despite the fact that not many people outside take a blind bit of notice of what we do.

4.55 pm

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): I pay tribute to the hon. Member for Linlithgow and East Falkirk (Michael Connarty)—

Michael Connarty: I'm in trouble enough.

Mr. Vara: The hon. Gentleman should enjoy it while it lasts. He and his colleagues on the Committee do a terrific job, despite the difficulties, many of which have already been articulated. They should be commended for that. I thank all the speakers who have taken part in the debate, especially given that the House is due to rise for a few days.

I am pleased that the Government have recognised the inadequacies in the European scrutiny procedure, although I fear that the concessions are merely tinkering and do not go to the heart of what is required to scrutinise properly the legislation that stems from Brussels in an ever-increasing flow.

It is especially regrettable that no proposal has been made to challenge the override facility, to which my right hon. Friend the Member for Maidenhead (Mrs. May) referred. That mechanism allows the Government to override the scrutiny reserve power of European Committees to agree to European legislation at central meetings between Ministers of the member states and European Union officials. It is noteworthy that, since 2001, the Government have used the override facility on more than 350 occasions to bind Britain to European Union legislation without debate in either House or any express consent from Parliament. We also have the so-called fast-track system, whereby some 60 per cent. of all legislation is passed. It allows legislation to be adopted straight away after it has passed its First Reading in the European Parliament. Again, there is no scope for proper scrutiny of that legislation.

I am pleased that the Deputy Leader of the House acknowledges the problem of the 12 weeks when the European Scrutiny Committee does not sit but the European Commission still legislates. However, I am not convinced that the matter should be left, as she proposes, simply to the discretion of the Committee to sit during the recess. That needs to be reconsidered.

I endorse the point of my right hon. Friend the Member for East Yorkshire (Mr. Knight), who said that he greatly hoped that the Government would accept proposals that might enhance the scrutiny of the legislation that stems from Brussels. The proposals for opening up scrutiny to the public are simply not good enough at present. It cannot be right that a procedure that deals with so much legislation—believed to be some 60 per cent. of the legislation impacting on the British public—is held behind closed doors. The public are already rightly wary of the subject; continuing in a secret way will only add to that wariness. I agree with my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) that there is a fair amount of contempt in some quarters for the lack of scrutiny. That will only increase unless we make a genuine attempt to open up the proceedings in that area.

Incidentally, the Deputy Leader of the House will no doubt be aware that the lack of openness flies in the face of what the Prime Minister said in his opening days about wanting his Government to be open and frank. I appreciate that that made a good soundbite at the time and that it might now just be detail that can be conveniently ignored, but I fear that it is detail of rather great importance that should not be ignored.

My right hon. Friend the shadow Leader of the House rightly referred to the success of other countries. She mentioned Denmark, to which I should like to add Sweden and Finland, which also have increased scrutiny. We should certainly take lessons from those countries.

The Deputy Leader of the House said that she believed that our amendment (c) would not achieve our aims. We have looked at it and we believe that it does, so I would welcome a further explanation from her on that point.

The hon. Member for Linlithgow and East Falkirk made a thoughtful and knowledgeable speech. His experience as Chairman of the august European Scrutiny Committee was clear. I agreed with him entirely, as I am sure did many other hon. Members, when he quoted the late Robin Cook as saying that good scrutiny makes for good legislation.

The hon. Member for North Southwark and Bermondsey (Simon Hughes) made a typically informed speech, identifying various points of serious concern. I was particularly pleased that he agreed that there should be more openness of the Committee and its proceedings. The hon. Member for Luton, North (Kelvin Hopkins) made a valuable contribution, although I did not agree with his reluctance to open up the proceedings of the Committee. I understand his reservations about advisers perhaps being reluctant to give free and frank advice, but when we are talking about 60 per cent. of the legislation impacting on the British people, we have a duty as elected Members to let the public know what advice we are acting upon. The hon. Gentleman and I will therefore have to agree to disagree on that point.

Kelvin Hopkins: My concern is that the Government would effectively have more control if the proceedings were more open than less. For the House to have control, it is important that our advisers should be free to say what they want to say and not be pressurised through becoming public figures. My point was about ensuring that the House is as independent in the matter as possible, rather than having even more control placed in the Government's hands.

Mr. Vara: I am grateful to the hon. Gentleman for making that point, but there has been a tendency in the past decade or so to make officials give the answers and advice that the Government wish to hear. If the Government put less pressure on advisers, they might be minded to give more free and frank advice. My understanding is that many such people are lawyers. If they were practising in another area of the law, the advice that they gave would be on record—if they were in open court, there would be journalists. If the advisers are lawyers, there is no reason why they cannot be open in their advice in this context.

Michael Connarty: To assist the hon. Gentleman, let me say that the point is that the advisers do not work for the Government; they work for Parliament. They work for our Committee with tremendous loyalty and they are in no way interfered with. Some of them have illustrious antecedence—they have been permanent secretaries or senior officials in Departments who have moved over to help us. The point that my hon. Friend the Member for Luton, North (Kelvin Hopkins) was making was that, if the advisers felt that they might become the focus of attention by being named in the press for giving their advice in public, they would be reluctant to become, as it were, the stars of the show.

May I further help the hon. Gentleman? As I seriously promised, we have been thinking about how we could open up the Committee. It might be possible to structure the proceedings in such a way that we could have half a meeting in private, at which we could have an interchange with our officials, before moving into public session and formally discussing the documents without asking the officials to speak. We would already have received their written and spoken advice, before our public debate. I think that we might be able to square the circle in that way.

Mr. Vara: I am grateful to the hon. Gentleman for that intervention. Let me make it absolutely clear that I recognise that we are the public figures, and that there should be no undue pressure on officers and advisers to Parliament. I hope that I have also managed to convey, however, that this is nevertheless an issue. I am grateful to him for providing that suggestion. It is one that needs to be considered, but perhaps we should also consider other angles in trying to resolve the issue. The British public have a right to know what advice we have been given, but we also need to protect those who are giving the advice.

Mr. Cash: In the interest of trying to assist, I point out that my hon. Friend might like to reflect on the fact that, if one were to apply criteria of the kind that are relevant to advice given within Departments, and the rules that apply in those circumstances and to evidence given to other Select Committees, there might be circumstances in which it would simply not be possible to have a completely open session of the kind that the Chairman of the Committee has mentioned. That is not because people want to be secretive about anything; it is simply because a different kind of process would be going on.

Mr. Vara: My thanks go to my hon. Friend for that advice. Given that he has given 23 years' service to the Committee, I will certainly do as he instructs and give further thought to the matter. However, one of the amendments would give the Committee the option to sit in private if necessary. That covers the question of striking the right balance between private and public.

I shall move on to, as it happens, the contribution of my hon. Friend the Member for Stone (Mr. Cash), which was typically learned. He was right to point out that European scrutiny in the House is at the heart of all that we do. We are right to give it the attention that we do.

This is a vital subject that recurs constantly in public debate and in the House. We, as servants of the people who have elected us, do them a great disservice if we do not give the subject the attention that it deserves. If the public out there are to be obligated by Brussels for at least 60 per cent. of the legislation of this country, they have a right to expect us to give proper scrutiny to all that comes from Brussels.

5.8 pm

Helen Goodman: We have had a thorough debate on European scrutiny this afternoon, and I am pleased to be responding to it. The right hon. Member for Maidenhead (Mrs. May) spoke on a whole range of issues, and I want first to address the question of overrides. I understand her concern about the level of overrides, but when looking—perhaps with envy—across the North sea at the mandate system that the Scandinavians have chosen, we have to take account of the fact that such a system fits their politics and their system of government, which involves coalitions and in

[Helen Goodman]

which all positions have to be negotiated. That is simply not the position that we find ourselves in, and such a system would be too inflexible for us.

During the right hon. Lady's speech, other hon. Members raised the issue of the new rights that Parliament will get under the Lisbon treaty. These are that Parliament should receive documents first and that if 30 per cent. of countries wish to play the orange card, the Commission will have to hold back on its proposals. It is our intention, when the Bill has been through Parliament, to enact the Lisbon treaty and come back—*[Interruption.]* When? When the Act has been passed, we will look more precisely into how these matters should be operated and what resources will be necessary to do so.

Mr. Clappison: Now might be an appropriate moment for me to ask whether the Deputy Leader of the House has an answer to the question I posed earlier—how much of our legislation comes from EU institutions?

Helen Goodman: Despite the fact that, unlike Conservative Members, the Government are supported by the Rolls-Royce machine of the British civil service, I am afraid that I will have to write to the hon. Gentleman about that.

Amendment (c) was proposed by the right hon. Member for Maidenhead. I understood her to say that she was prepared to work with us and withdraw the amendment. I was not sure whether the hon. Member for North-West Cambridgeshire (Mr. Vara) was quite as positive about that as the right hon. Lady, but as I said, I understood her to be happy about working together and waiting to see how things operate in practice.

I know that at a certain point in my speech, my pages got into disorder, so in order to be absolutely clear—and particularly for the benefit of the hon. Member for North Southwark and Bermondsey (Simon Hughes)—let me repeat what I said. We will seek to proceed so that where a Standing Committee has agreed a resolution in different terms from the one proposed by the Government, the motion tabled for agreement in the House will be the one agreed by the Committee. There should be the possibility of having a debate if the Government subsequently seek to amend the motion.

The right hon. Member for Maidenhead and many other hon. Members raised the issue of how membership of European Standing Committees is decided. It may help hon. Members if I provided a little more detail. Our proposal is for European Standing Committees to include people from the European Scrutiny Committee, from the Select Committee and other hon. Members who volunteer, which will provide both more expertise and more continuity—not just continuity between the scrutiny process and the European Committee process, but more continuity with respect to subject. As I tried to explain earlier, when we asked the Vote Office to provide hon. Members with papers on a continuing and ongoing basis by subject, we found that there were 12 such subjects. I believe that going for an ad hoc approach will, in fact, enable more continuity through the ad hoc Committees than was possible under the old permanent system where Committees were covering three, four or five different Departments. Our objective is to involve as many Members as possible so that, whatever their political interests, they can pursue them in respect of decisions taken at the European level, as well as at the national level. We need to get away from the situation where Europe is regarded as another country and where some Members specialise in it to the exclusion of the vast majority of other Members.

The right hon. Member for Maidenhead also spoke to amendment (e), which relates to the European Scrutiny Committee having the power to conduct its work in public. As other hon. Members suggested in the debate, there are some genuine issues about how best to give effect to that proposal. The hon. Member for North-West Cambridgeshire set out the position in principle, but my hon. Friend the Member for Linlithgow and East Falkirk (Michael Connarty) spoke from experience about how that could or should operate in practice.

The Government are committed to enabling the arrangements to work in the way proposed by the Modernisation Committee in 2005. If the right hon. Member for Maidenhead is content to withdraw her amendment, we will discuss with the Opposition spokesmen and my hon. Friend the Member for Linlithgow and East Falkirk how best to proceed. We will then present the House with a precise proposal to allow the European Scrutiny Committee to meet in public when discussing which documents are important and should be debated further, which will allow that important process to take place—when appropriate—with the transparency that hon. Members seek.

The right hon. Lady's amendment does not require the motion tabled in the House to be the one agreed by the Committee, which was her intention. It also makes a debate mandatory. I understood that she wanted it merely to be an option.

Simon Hughes: I understand the point about the openness of the debate on which documents should be subjected to one process rather than the other, but will the hon. Lady address the wider question of whether the Committee should be presumed to meet in public unless it decides to meet in secret to discuss any matter before it?

Helen Goodman: The point that I was trying to make, obviously without success, is that there are issues of principle on which there is cross-party agreement that, whenever possible, things should be done in a way that is transparent to the public. However, a number of practical issues have been raised this afternoon. We are not satisfied that the amendment tabled by the right hon. Member for Maidenhead deals with all the practical difficulties that we face, and we would therefore be pleased if she withdrew it. We would then be prepared to enter into discussions on how best to proceed, so that we can come up with a resolution that can be agreed throughout the House.

My right hon. Friend the Member for Linlithgow and East Falkirk—

Michael Connarty: I may be crucified, but I doubt that I shall be right honourable.

Helen Goodman: I was about to embark on a paean of praise. Obviously I got ahead of myself. My hon. Friend does an excellent job, as does the whole European Scrutiny Committee—in an extremely thorough way, and on extremely difficult territory—and we are all very grateful to him. As I said earlier, we are prepared to accept his amendment (a) to ensure that our proposals are reviewed again at the end of the year.

The hon. Member for North Southwark and Bermondsey made a typically thoughtful speech. I hope he accepts that some of the seeds that he planted have flowered. He asked why the Government had not considered in more detail the possibility of a Joint Committee with the House of Lords. Obviously we have thought about that, and obviously the system in the House of Lords is very well respected, but the truth is that the Lords and Commons systems complement each other extremely well. Although Members of the House of Commons are often criticised for their inadequacies in relation to European matters, the Government believe that if we organise the work properly, that unfavourable comparison will be seen to be totally unfair.

My hon. Friend the Member for Luton, North (Kelvin Hopkins) spoke from long experience as a member of a European Standing Committee as well as the European Scrutiny Committee. I hope that what I have said about the composition of the Committees will deal with his concerns.

The hon. Member for Stone (Mr. Cash) spoke from his deep interest in this matter. He suggested that the Chairman of the European Scrutiny Committee should be a Member of Her Majesty's Opposition. We can rule that out absolutely at present because the Committee is in the safe hands of my hon. Friend the Member for Linlithgow and East Falkirk. The hon. Member for North-West Cambridgeshire also gave a principled exposition of his views.

We have had a thorough debate. I hope that we can come to an agreement and that the motion will be supported. I commend it to the House.

Amendment made: (a), in line 1, leave out

'for the remainder of the current Parliament'

and insert

'until 1st January 2009'. —*[Michael Connarty.]*

Amendment made (c): in line 63, at end add—

"(9A) The Committee, and every such sub-committee, shall sit in public unless it determines otherwise in relation to a particular meeting or part thereof.".'.—*[Mrs. May.]*

Main Question, as amended, agreed to.

PETITIONS

Post Office Closures (Newport)

5.21 pm

Jessica Morden (Newport, East) (Lab): I wish to present a petition on behalf of many residents and constituents in Newport who are concerned about the proposed closure of Christchurch Road post office. It is a busy and profitable branch, which plays a vital role in the local community and its closure would be contrary to the aims of the Post Office Ltd network change programme as there is no easy access to nearby services on foot and no public transport links to nearby branches, and businesses that use the service because it is accessible will, as there is no alternative, take their custom to banks. The large turnout for a public meeting held last week demonstrates the strength of local public feeling about the closure. The petitioners therefore request that this House urges the Secretary of State for Business, Enterprise and Regulatory Reform to save this vital post office.

Following is the full text of the petition:

[The Petition of the sub-postmaster and supporters of Christchurch Road Post Office in Newport,

Declares that Christchurch Road Post Office continues to play a vital role in the local community by providing essential and convenient services; that to shut a profitable and busy Post Office is contrary to the proposed goal of the Post Office Ltd's network change programme; that the route to the alternative Post Office means walking down a very steep hill; which would have a detrimental effect on customers who are elderly or disabled who would be unable to access other Post Office services.

The Petitioners therefore request that the House of Commons urges the Secretary of State for Business, Enterprise and Regulatory Reform to save this vital Post Office.

And the Petitioners remain, etc.]

[P000117]

Post Office Closures (North Yorkshire)

5.23 pm

Miss Anne McIntosh (Vale of York) (Con): I have great pleasure in submitting a petition on the post office closures in North Yorkshire, with particular reference to the Linton on Ouse Post Office Action Group. This petition is timely as tomorrow the announcement is expected on the result of the consultation on the post office network. I regret to have to say that it has been a flawed consultation. I understand that the changes to the network are going to proceed as planned. No consultation has been allowed on the principle of closures and it appears that the consultation has no regard to the responses received. No account has been taken of the rurality factor, particularly in rural areas such as North Yorkshire. Apparently, one post office will close, and a number of outreach solutions are being proposed. The petitioners of Linton on Ouse do not accept that an outreach solution—a man in a van—is a substitute for a proper, fully serviced post office. The post office is the hub of the local rural community. It is especially important in rural areas for the vulnerable, the elderly, the less mobile and those with young families. It therefore gives me pleasure to submit the petition to the House.

Following is the full text of the petition:

[The Humble Petition of Mr Derrick Jauncey of Save Linton on Ouse Post Office Action Group and others of like disposition,

Sheweth

That they fear the proposed Post Office Network review will result in unacceptable numbers of Post Office closures. They wish to see their access to Post Offices across North Yorkshire to remain as wide as is currently the case and that there be no further cuts in postal services. They recognise that their Post Offices provide a vital service in a rural community to the most vulnerable, the elderly, the less mobile, and those with young families.

Wherefore your Petitioners pray that your Honourable House urges the Government to reverse the Post Office's proposed Network Change Programme.

And your Petitioners, as in duty bound, will ever pray, &c.]

[P000122]

Suicide Prevention

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. David.]*

5.25 pm

Mrs. Madeleine Moon (Bridgend) (Lab): I thank the Speaker's Office for generously finding time for this debate. The Under-Secretary of State for Wales, my hon. Friend the Member for Ogmore (Huw Irranca-Davies), is answering this debate. His constituency is to the north of mine, and together they make up the county borough of Bridgend. Sadly, the national media often confuse the county borough, the town and my parliamentary constituency of Bridgend, joining them into a single metropolis "death town" of many problems. Throughout this debate I shall use "Bridgend" to denote the county borough, which covers both constituencies.

If ever a debate had cross-departmental consequences, it is this one on the nature of suicide. Some responsibilities and questions lie with the Wales Office, but others lie with the Department of Health, the Department for Communities and Local Government, the Department for Work and Pensions, the Department for Children, Schools and Families and the Home Office. I should therefore like to take the opportunity to thank the Under-Secretary of State for Health, my hon. Friend the Member for Bury, South (Mr. Lewis), who has responsibility for mental health, the Home Secretary and the Under-Secretary of State for Justice, my hon. Friend the Member for Liverpool, Garston (Maria Eagle), who has responsibility for criminal justice, all of whom have agreed to meet me to discuss this issue.

I want to start by putting into perspective the numbers committing suicide. The UK's suicide rate pales in comparison with those of Canada, Australia and Ireland, whose figures are more than double the UK figure. Many European countries have much higher figures than the UK. Bridgend has featured heavily in the local, national and international media as the suicide town, as the home of a suicide cult and as death town. As I hope to show, the suicide problem lies not in the high number of deaths in Bridgend but in the high number of deaths in Wales. I therefore welcome the presence of my Welsh colleagues in this debate.

Four years ago, I began noticing a cluster of suicides of young males. It reached a peak in 2006 when 17 young people in the Bridgend constituency and four in Ogmore took their own lives—that makes a total of 21 in Bridgend. As the press has highlighted many times in recent weeks, a similar number of suicides occurred last year.

I knew some of the young men who died. I had talked to one days before his death about an apprenticeship that he was taking up. I had met others through our excellent Youth Enterprise, Lifelong Learning, Opportunities for Work—YELLOW—project. It was set up by Hafod housing to work with homeless young people, many of whom had drug and alcohol problems, all of whom had chaotic lives that YELLOW helped to stabilise and then move forward into being successful lives. Some people claim that there is nothing one can do to prevent suicide, as one cannot see it coming, but they are wrong—much can be done, and it needs doing urgently in Wales.

Bridgend county borough moved from being the 113th worst local authority area on this issue in the period 1991 to 1997 to the 48th worst in the period 1998 to 2004. Yet these deaths kept coming—on average, two a month locally, but across Wales a shocking 21 a month occurred in 2006. The Bridgend coroner, Philip Walters, has said he believes that there are possibly more, as there have also been 40 deaths in Bridgend with open verdicts since 2006.

People ask me why, and what is going wrong locally. They want to pin the problem down to one cause. The media have asked whether the cause is the internet, Bebo, Facebook or other networking sites. The answer is yes and no. I believe there is a risk from spending too much time in the alternative reality of computer games and chat rooms. There are risks to young people who give out intimate personal details in cyberspace thinking that they are safe. I also believe that for a vulnerable person who is contemplating suicide, the isolation of communication through words on a screen does not provide the warmth, humanity, compassion and empathy of talking to another person.

I know that for some people e-mail can allow emotions to be articulated and shared in a way they would find difficult in person. The Samaritans have successfully operated an e-mail communication link that allows young men, in particular, to do that. I urge anyone who is unable to talk but who wants to use e-mail to communicate emotional distress to e-mail the Samaritans or PAPYRUS, not a chat room. I have arranged to meet a representative from Bebo to discuss how the site can help to reach out to vulnerable young people, and was encouraged to hear that it is already working closely with the Samaritans. Bebo representatives recently gave a presentation at the suicide prevention convention in Killarney.

American research has found that young people who commit suicide are more likely than their peers to have had a friend who died through suicide. That certainly rings true in the cases in my constituency. Mind has stated that the aftermath of a suicide appears to be a dangerous time for those in close proximity, as they identify with the victim and are already vulnerable. The emotional furore that follows death may loosen internal restraints against self-destruction. That is why I have been so angry about the press coverage. It is why it is absolutely vital that the press should follow the Samaritans' guidelines if they are not to add to the problem. It is why emotional literacy and life skills are important to help young people survive.

When faced with real death and the intensity of emotional pain, many young people have no experience of how to deal with that pain. Their peers lack the life experiences and words to help and the knowledge of where to go for guidance. That is backed up by figures from ChildLine, which show that girls are 11 times more likely to call about self-harm than boys and account for four out of every five calls that mention suicides. Boys and young men are likely to be nearer the end of their tether; they do not typically ask for help until they are desperate.

It is important that the gender stereotypes—wherever they occur—that reinforce the idea that men should be self-reliant and able to cope are challenged at every level. That is why the Samaritans' campaigns are so important. They direct people to help and support that is readily accessible and that allows young people to have support on their own terms and in their own territory, which is critical.

Julie Morgan (Cardiff, North) (Lab): I congratulate my hon. Friend on securing this debate and on the amount of effort she has put into trying to deal with this tragic situation. I am pleased that she mentioned the Samaritans and the good work that they do. I have strong contacts with the Samaritans in Cardiff. Does my hon. Friend know about the listening scheme in Cardiff prison? It trains prisoners to listen to other prisoners, who are often young, vulnerable men. It is important to have someone there to listen to the problems face to face.

Mrs. Moon: I thank my hon. Friend for that intervention. I am well aware of the work that she does with the Samaritans in Cardiff and the support that she gives the organisation. I am aware of the scheme, which also operates in Parc prison in Bridgend, and of how critical it is. It is also important for those prisoners who take part in the scheme, as they learn how to listen, talk and recognise their emotions. They tell me about the change that that has made to their lives, and the future that opens up for them when they learn to articulate and deal with strong emotion.

The suicide in Avon study found that 80 per cent. of young male suicides had no contact with their GP, psychiatrist or other support agency in the four weeks before they died. In fact, they were five times more likely to have had contact with the police than with any other agency. People ask me whether the problem is one of drugs and alcohol. The answer is that it is for some young people, but not for others.

Bridgend, like too many constituencies, has young people who turn to drugs and alcohol. Sometimes they do it to seek respite from depression, emotional confusion and a sense of failure and despair. I spent part of last summer's recess with the local mental health services, especially with those dealing with drugs and alcohol, and I am certain that those services need to be expanded. Waiting lists for help and advice are too long, and the range of services that is needed is simply not available.

My hon. Friend the Minister will remember coming with me last year to meet staff at Bridgend's Wallich mental health facility. They made a plea for help to establish a wet hostel, where those who are not yet ready to give up alcohol and drugs could live and be supported and stabilised. In that way, they would be able to give up their dependency.

I have also had contact with people living in communities across the world where there have been suicide clusters. They have given me advice about how they have tackled the problem, and I especially thank Dr. Cassidy from Northern Ireland for the details of the strategy employed there. I have passed that information on to agencies in my locality.

Last week, I talked to the mother of a 19-year-old young man who took his life. He left school at 16 and found an unskilled job. He was struggling to enter the adult world of responsibilities and problem solving, but had a flat and a job. Then he lost his job and, lacking skills and qualifications, he struggled to find another one. Debts mounted up: at 19 years of age, he did not qualify for full housing benefit, and he could

[Mrs. Moon]

not find the support and help that he needed. He turned to drugs and alcohol to hide from his sense of failure and despair. He was known to the police, and his life spiralled downwards. It grew more chaotic, and so it became even more impossible for him to find a job.

That young man attempted suicide but could get no further help. Shortly afterwards, he killed himself. Like too many others, his family is now struggling with the aftermath of his death. His mother has given up her job and is having counselling, and his siblings are greatly distressed. This young man's mother has complained of the lack of support services for families who are bereaved and devastated by suicide. We all tend to forget them as a group, but the degree of devastation that they experience is immense.

The young man about whom I have spoken is not typical of all those who have died. The mental health services knew about him, but he did not know about the Samaritans. I commend the local Samaritans for the prompt action that they took. They have a campaign with a proven track record that is being rolled out across Bridgend.

I also want to thank Andrew Goodall of the local health board. When we met last Friday, he agreed to find the money to fund the campaign. Ironically, we met at the Bridgend recreation centre's excellent exhibition of health and well-being—an example of good partnership working involving the local health board, the primary care trust, the local authority and the voluntary sector. A similar partnership has worked for the past year to develop a local suicide strategy, and I am advised that that will be launched in the next few weeks. I commend that local initiative but, while work on a local strategy has been undertaken and research has been gathered about similar problems in Scotland, 22 young people have died.

Wales had a target of cutting suicides by 15 per cent. by 2000, but in 2002 that target was cut to 10 per cent. Neither target was met—in fact, the suicide rate in Wales increased. For many years, groups such as Papyrus have been asking the Welsh Assembly to consider formulating a national suicide prevention strategy. Given that Wales has a significantly higher suicide rate than England, it is striking and shocking that Wales has not yet done so. Since England introduced the suicide prevention strategy in 2002, suicide has dropped dramatically across all age groups, and the upward trend in suicides among young males has been reversed. The overall suicide rate there is now the lowest on record. Wales is many years behind not just England but Scotland, Northern Ireland and many other countries.

At the international suicide prevention conference in Killarney, people from all over the world met to share their prevention work and, most importantly, their expertise. I am told that there was no representation from Wales. Representatives from Scotland, England and Northern Ireland meet regularly to discuss implementation of their respective strategies. Wales is missing out on an opportunity to share good practice and, vitally, to learn from others.

Money is key to a successful strategy. Scotland invested £20 million in its 2002 Choose Life strategy. Bridgend is relying on lottery funding that may be available in 2009 for its locally written strategy. I am sure that other hon. Members will find it unacceptable that young people may die while waiting for charity funds to be made available.

I have repeatedly been asked whether deprivation is the problem. If one reads the national press, Bridgend is a ghost town, and suicide is just what people do there because there is nothing else to do, but we have good schools, low unemployment, active churches, an active voluntary sector and social cohesion. Community identity remains strong. It is a good place to live and bring up a family. Like many parts of the UK, it does have some young people who are marginalised. Some have troubled family lives, some do not do well in school, some have mental health problems and some use drugs and alcohol. All of them have a common feeling of despair and failure, and can see no future ahead of them—no future for which to live and work.

Nia Griffith (Llanelli) (Lab): I congratulate my hon. Friend on securing this important debate on a distressing subject. She and other hon. Members will be aware that the Education and Skills Bill is in Committee. It places an obligation on authorities to follow up on all 16 to 18-year-olds and offer them education and training opportunities. Does she agree that that might offer support to some of the young people whom we are not currently reaching, and might help to prevent some suicides?

Mrs. Moon: I thank my hon. Friend for her intervention. I totally agree: it is critical that that support is available to young people in Wales. That statutory requirement on local authorities and trainers to provide support and access to education, training and apprenticeships is vital for our young people in Wales.

Suicide is everybody's business. We need a population-based approach and trained people in the community who are ready, willing and able to intervene. Mind's training programme, ASIST—applied suicide intervention skills training—is central to the national suicide prevention strategy in Scotland, Ireland and Norway. The Scottish Executive's recent review of the Choose Life strategy said that ASIST was the most successful activity to be mainstreamed to date. The aim is to train as many people as possible within the community to be able to recognise anyone who is suicidal. The focus of the workshop is on immediate safety, not fixing problems. It is described as suicide first aid. I am extremely pleased that the Welsh Assembly Government are backing the roll-out of the ASIST programme across Wales, under a joint plan by the local health board and voluntary organisations in Bridgend.

I am aware that I must conclude. I ask my hon. Friend the Minister to raise a number of issues with the First Minister in Wales and others here in Westminster, to ensure that there is an understanding that this Welsh problem needs an urgent response. Wales needs a national suicide prevention strategy. There are successful templates in Scotland and England, and there is a local strategy for Bridgend. Money must be found for the Bridgend strategy; we cannot be expected to wait for lottery funding. The money must be provided so that the strategy can start immediately.

There is excellent work in Bridgend: Porthcawl counselling service, the Bridgend street pastors, the community safety partnership, Ogwr DASH—the drugs and alcohol self-help group—the West Glamorgan council on drugs and alcohol and the community drugs and alcohol team. The bones are there; flesh is needed in the form of a strategy, additional funding and information to tell young people where services are and where help is available. The Mind ASIST training being rolled out across Wales will be invaluable to front-line workers such as the police, as it will to mental health workers, youth workers, GPs and church leaders, who are often contacted by friends and family for advice and support in the devastation that follows each suicide.

Will my hon. Friend the Minister discuss with the Department for Work and Pensions the impact on vulnerable young people of the policy of restricting access to part housing benefit? I appreciate the reason behind the policy, but I urge my hon. Friend to ensure that conversations take place with organisations such as Wallich and YELLOW to assess fully its impact on the most vulnerable.

Like my hon. Friend the Member for Llanelli (Nia Griffith), I recognise the value of the Education and Skills Bill, currently in Committee, to the most vulnerable and marginalised young people—those most at risk of seeing life as holding too little for their future, and who need support as they struggle with young adulthood, finding work and developing skills and training. I urge my hon. Friend the Minister to discuss with the First Minister the vital role adopting the Bill will play, from 2013, in offering young people in Wales hope for the future in an increasingly complex world where there is little tolerance of those who fail to meet employers' rising expectations. Finally, I urge my hon. Friend to meet a delegation of Welsh colleagues, who are all concerned about the issues in their constituencies, so that he can convey to the First Minister how concerned we are here in Westminster.

Mr. Deputy Speaker, I thank you for your indulgence. With a young person dying on average every two weeks in Bridgend, this is not the time for delay. This is the time for action—for our young people to be given the same help and support that is available in England and Scotland. My hon. Friend the Minister and I do not want to be talking to journalists about further deaths. We want to talk about success and how wonderful Bridgend and Wales are to live in, to work and raise a family.

5.47 pm

Simon Hughes (North Southwark and Bermondsey) (LD): I very much commend the hon. Member for Bridgend (Mrs. Moon). She may know that part of my upbringing was spent in south Wales, near the area where she lives and which she represents. I endorse what she says about the wonderful community nature of south Wales and Glamorgan, not just in Bridgend and Ogmore but in other places, too.

When my brother and I were youngsters in south Wales, our mother worked as a volunteer with Cardiff Samaritans. Even then, I knew how important that work was. Confidentiality was maintained, but families were aware of the pressures on young people, especially on young men. We moved to Hereford when I was 18, and so convinced was our dear mother of the need for that work that she helped to found the Hereford branch of Samaritans and in due course became its director. She died last year, and it was a tribute to her that the Hereford Samaritans recognised her contribution—as did the wider community.

I wanted to speak as someone who is an ambassador for the Samaritans, and who endorses completely the message that people who do not think they are vulnerable, particularly young men, should remember that the Samaritans are there 24 hours a day, 365 days a year. I also endorse Papyrus, of which I am one of three cross-party parliamentary patrons. The organisation works to support families when youngsters take their lives. It also responds to people who are thinking of suicide, to prevent them.

The hon. Member for Bridgend made it clear that the issue affects all of us. When I was in my 20s, a friend suddenly took their life, to the shock and consternation of their family, simply because it appeared that they had received a job rejection. That was the trigger, but clearly there must have been some underlying cause. I remember a godchild of mine, as a university student, going through a very hard time and family and friends being extremely worried about my godchild's mental health and stability. Only last year a friend lost their life, probably in circumstances that were similar.

The message must go out from here that the Government will respond in Wales and elsewhere, but individuals and families should know that there is always somebody who can be a personal contact—not an electronic contact, but a personal contact at the end of a line. If people do not know the number, I hope that after this debate it will be better known. Bridgend, like everywhere else, will, I hope, be a slightly safer place where people who feel tempted to think that taking their lives is the answer may be reminded that there are always better ways.

5.50 pm

The Parliamentary Under-Secretary of State for Wales (Huw Irranca-Davies): First, I congratulate my hon. Friend the Member for Bridgend (Mrs. Moon) on securing the debate on such an important and timely issue as suicide prevention strategies. I thank her for the calm, measured and well informed way in which she introduced the debate, and for her work, not just recently but over a sustained period with others to bring an end to this tragic string of events.

The issue is of great concern to Members of Parliament, Assembly Members and elected representatives, all of whom will want to find a way forward for the families and communities affected. Our thoughts and sympathies go out to the families and friends who have been affected by these tragedies. As a father myself, I struggle to imagine the devastation caused by those young deaths. It is a time for sombre reflection, and for considered and effective action.

The consequences in emotional and practical terms are felt by many of us, from close family members and friends, to colleagues, the many statutory and voluntary agencies involved in the provisions of health and social care, and the wider community. We would all

[Huw Irranca-Davies]

want, I am sure, to pay tribute to those who are actively working with young people and supporting them in making sense of these tragic events.

Over the past few weeks, as my hon. Friend said, because of a number of family tragedies, the national media spotlight has been focused on Bridgend and Ogmore, the parliamentary constituencies that she and I represent. The reasons the Bridgend area is under intense focus are clear. We acknowledge that over the past 10 years rates of suicide among those aged 16 to 29 have been higher than elsewhere in Wales. The recent deaths of young women, an untypical pattern, and speculation over links through the internet or other means have given Bridgend understandable prominence.

As my hon. Friend said, it is important that we put those events in context. The Bridgend population overall has suicide rates approximating the Welsh average. There are other areas in Wales and the UK that have similar or higher rates, or where clusters can be identified. The UK as a whole has one of the lowest suicide rates in Europe and the rest of the world. That context is vital.

My hon. Friend referred to the role of the media. Research shows that media reporting can have a significant impact and influence on young people's response to suicides. Therefore, I strongly urge measured and considered reporting of all such events and of the debate today, with consideration for the impact that that may have on the bereaved families and the wider community.

There has been much speculation about internet suicide rooms and cults. We all share the public's concern about websites that may have an undue influence over vulnerable people, particularly the young, but caution is needed. No one should jump to conclusions about the connection between internet sites and the deaths in Bridgend or elsewhere. Work is ongoing in relation to the internet and forms one strand of the Byron review, an independent review commissioned by the Prime Minister. The Ministry of Justice is also due to publish safer network guidance, and I am aware of the work of the Samaritans and other agencies, which have been mentioned by hon. Members, and their contribution to that work.

Mr. Hugo Swire (East Devon) (Con): I thank the hon. Member for Bridgend (Mrs. Moon) for her debate, which follows on from last night's Adjournment debate, in which I mentioned this issue, on the filtering of internet content for children. The Minister mentioned the Byron review, to which we all look forward with considerable interest. Does he know whether the Samaritans will give evidence to it?

Huw Irranca-Davies: That is a useful intervention. I cannot say categorically that they will, but I hope so. They have substantial experience in this field and without a doubt it would be helpful if they contributed to the review.

My hon. Friend the Member for Bridgend and others will know that the Welsh Assembly Government have devolved powers in health and social services, so it is right to highlight the approach in Wales. Within Wales, the Department for Children, Education, Lifelong Learning and Skills is working actively on internet safety, with a child exploitation and online protection centre. Furthermore, the UK police agency has undertaken significant pieces of work in this area and the health promotion information division of the Welsh Assembly Government has provided resources for secondary schools on internet and mobile phone safety.

All hon. Members will note the call by Mind Cymru to run training in all Welsh schools for the prevention of suicide, in line with the applied suicide intervention skills training programme, or ASIST—a suicide prevention initiative funded by the Welsh Assembly Government. My hon. Friend is aware that a fully subscribed ASIST course will be running in Bridgend shortly, and I know that she has fully supported that. During the past year, ASIST has trained more than 400 people from 60 different organisations in Wales, and it will make a significant contribution to the skills of local professionals engaged in suicide prevention.

The community advice and listening line in Wales, or CALL, has periodic advertising campaigns and the children's branch has just contributed funding so that parents of children who have committed or attempted suicide are aware of the service and can contact it easily. On 10 October last year, world mental health day, a text messaging service was also launched.

Funding from the mental health branch to the Samaritans, who have significant expertise in this field, has doubled to £38,000 for 2008-09 from the 2007-08 funding level. The mental health promotion action plan has already commissioned a flagship programme of mental health first aid, which will be delivered by Mind Cymru.

I echo my hon. Friend's words—I welcome the action that has already begun locally; the draft suicide prevention strategy for Bridgend has been circulated to more than 30 stakeholders. That should be a kick-start for all agencies, schools and the local community to take action. My hon. Friend has recognised the value of that approach and rightly urges that that coherent strategy be put fully and urgently into effect.

I turn to other issues that have been raised. My hon. Friend mentioned the YELLOW and Wallich projects, which extend across the Bridgend area. My hon. Friend the Member for Cardiff, North (Julie Morgan) and the hon. Member for North Southwark and Bermondsey (Simon Hughes) referred to the work of the Samaritans. It is absolutely right to praise that work and that of countless others in the voluntary and statutory sectors. I am also thinking of the Kenfig Hill, Pyle and Cornelly youth group, the boys' and girls' clubs and the youth organisations that provide services day in, day out, year in, year out. Volunteers often form the backbone of their work. Schools and social services in Bridgend and elsewhere deserve credit for their role.

In respect of taking up issues with the Welsh Assembly Government and others, my hon. Friend and my hon. Friend the Member for Llanelli (Nia Griffith) rightly mentioned the role of other Whitehall Departments, including the Department for Work and Pensions, the Department of Health, the Department for Children, Schools and Families. I assure hon.

Members that they will listen closely to this debate. We in the Wales Office will play our full role in liaising with other Government Departments and the Welsh Assembly Government on these issues.

My hon. Friend the Member for Bridgend rightly raised the important issue of a suicide prevention strategy for all Wales. I hope that she will be reassured when I say that the Welsh Assembly Government is as concerned as any to address that issue fully and listen carefully to all representations and this important debate. However, it is for that Government to introduce measures that respond to the situation in Wales. However, I can advise my hon. Friend that the Welsh Assembly Government Minister, Edwina Hart, had, prior to the recent events, commissioned work to examine national strategies on suicide prevention and is firmly seized of the need to respond to these issues in the most effective and coherent manner.

Simon Hughes: The hon. Member for Bridgend (Mrs. Moon) rightly mentioned Papyrus. Will the Minister undertake to ensure that the Welsh Assembly Government are fully linked with and supporting Papyrus in Wales, and will he talk to his colleagues in the UK Government to ensure that that happens elsewhere in the UK?

It being Six o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. David.]*

Huw Irranca-Davies: Yes, indeed; the hon. Gentleman makes an important point, and I am happy to give those undertakings. I am of course always ready, as is my right hon. Friend the Secretary of State, to meet him and others who share these concerns, while recognising that the Welsh Assembly Government have significant devolved powers in this area and that other Whitehall Departments have a role to play as well.

The likelihood of a person taking their own life depends on many factors, which can include physically disabling or painful illnesses, mental illnesses, alcohol and drug misuse, stressful life events such as the loss of a job, imprisonment, a death or relationship breakdown, or just disillusion with circumstances in life. Those are just a few factors, but for many people it can be a combination of factors, rather than any single one that leads them to take their own life. These are complex and deeply personal issues with complex and multi-faceted solutions. We need to look at the real issues underlying these tragedies and find ways to prevent any more families from going through the same heartache. We need to address the stigma surrounding suicide so that everyone, including teenagers, parents and teachers, feels able to talk openly about their views on suicide—the causes and the consequences. It is only by talking to each other that we can start to understand the reasons behind it and learn to read the signs that lead to these tragedies. We also need to address the socio-economic issues and social exclusion factors, which are worthy of a separate debate.

It is important that we try to learn lessons from the tragic incidents that have occurred to enable us to consider how we can prevent future deaths. Suicide prevention should not be seen as the exclusive responsibility of any one sector of society. We must all play our part in reducing suicides, including local communities. Evidence suggests that lives can be saved when local agencies and voluntary organisations work together to deter suicides in high-risk locations. I commend the determination of my parliamentary neighbour and hon. Friend, and others here today, in playing their role, as this is what the families and communities affected would want, and surely deserve.

Question put and agreed to.

Adjourned accordingly at two minutes past Six o'clock.

Westminster Hall

Tuesday 29 January 2008

[DAVID TAYLOR *in the Chair*]

Cross-border Rail Services

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mark Tami.]*

9.30 am

Malcolm Bruce (Gordon) (LD): I very much welcome the opportunity to raise some issues in this debate. I assure the House that I do not intend it to be what we in Scotland call a greeting meeting, where we just catalogue all the complaints. There will be some of those, but I hope that we can focus on what we can and should be doing to fulfil ambitions for the services. I say that with some feeling, as I represent a constituency that is literally at the farthest end of the east coast main line. In that context, may I stress to the Minister my earnest hope that he will make it clear that the east coast main line runs from London to Aberdeen, not from London to Edinburgh? That is a genuine concern, not least because it is London to Edinburgh when investment decisions are being made, but London to Aberdeen for operational services.

I hope that the Minister will understand that those of us who represent constituencies and stations north of Edinburgh are campaigning energetically for some commitment to improve the quality of the service, not least because if the time comes, as I hope it will, when we have high-speed links to the central belt, the north of Scotland will also have at least relatively high-speed links to enable passengers to access cross-border routes effectively.

Debates about cross-border rail routes have been going on as long as there have been such routes—perhaps 150 years or more. It is a matter of regret to me that I rarely travel on the cross-border routes, not from any prejudice against trains—quite the reverse, I enjoy travelling by train—but because, frankly, the journey times are impossible for somebody who travels as often and as regularly as I do.

As it happens, Aberdeen airport is in my constituency. It is expanding in both passenger numbers and services, but there are people who object to its expansion. They offer the usual arguments about pollution, noise and climate change. I point out to them that, although I am sympathetic to their arguments, the truth is that the airport is the lifeline communication for an economy such as ours.

I would like to believe that there is an aspiration to ensure that people have real choice and that surface transport, particularly rail, is a genuine, viable alternative for more people more often than is currently the case. For the record, the journey time between London and Aberdeen is between seven and seven and a half hours. Indeed, most journeys are in excess of seven and a half hours, and that is only the time from station to station. By the time one adds on access to the station, particularly city centre stations, and travel across London, one is talking about a journey of nearly nine hours, as compared with my air journey yesterday, which, even though delayed, was about four hours. I am sure Members will understand that there really is no contest when people have to make a choice.

At present, several issues have clearly caused concern and anger. The Minister will not be surprised to hear me refer to the disruption caused by the engineering works at Christmas time. Virgin has estimated that it lost £10 million in revenue, and 50,000 people were affected by the disruption and the fact that it went on well beyond the predicted time. Somebody sarcastically said, "We are back to BR," but "BR" meant bus replacement rather than British Rail.

Dan Roberts wrote in *The Daily Telegraph* about the problem. To be fair, taking the whole article, he acknowledged that, given the age of the infrastructure, it is surprising that for much of the time our trains run on time and provide a reasonable service. The problem is one of predictability. He states:

"The perverse paradox of Britain's bungled privatisation experiment"—

I do not expect the Minister to defend privatisation, as he and his Government were not responsible for it—

"is that railways are expensive and unreliable because they are so popular. There's not enough slack in the crowded system to allow trains to route around maintenance closures. But rather than spend the billions needed to lay new track, Network Rail and its dysfunctional private counterparts seem happier letting rising prices keep demand in check.

Sadly, profits have little to do with operational effectiveness and everything to do with how poorly or otherwise the contracts are negotiated."

A discussion that does not deserve mileage in this debate is whether Virgin, Arriva or National Express is better or worse, or whether Network Rail is responsible. We tend to hear enough over the airwaves of train operators blaming the track operator and vice versa—presumably the track operators blame the train operators for having the discourtesy to run trains on their tracks and generally making it inefficient for them to operate a network—but such debates do not really get us anywhere. What is really required is to bring all this together in ways that will meet the needs and expectations of passengers.

There are three passenger franchises covering the cross-border rail services: National Express on the inter-city east coast main line, Arriva-owned CrossCountry Rail, which took over the franchise in the past few months, and, of course, Virgin on the west coast. As they are relatively new services, it is not possible to evaluate them, although there is anecdotal evidence. No doubt in due course we will be able to determine how well they are performing.

Many people regret the passing of the Great North Eastern Railway, or GNER. The irony is that one of the most popular franchises lost its right to operate because of the failure of its parent company, not because of shortcomings in its operations. Indeed, it was the franchise that passengers put at the top of their preferences. The new franchise clearly has quite an act to follow, and we hope that it will maintain the standard.

The other problem is that since the new franchises have taken over, they have announced some of the biggest fare rises on all the routes. National Express East Coast fares will increase by 6.6 per cent., and CrossCountry by 7 per cent. Both increases are measured

[Malcolm Bruce]

at the retail prices index plus 2 per cent. That is significantly above the average 5.4 per cent. increase across the whole network, which itself is above inflation, and may bear out the comments that I just read out from *The Daily Telegraph*.

The Government may argue that above-inflation fares are needed to enable services to be improved, but I believe that passengers would like services to be improved first, rather than think that they are paying for something that may not materialise. In any case, if we are serious about the long-term aspirations of developing the network and encouraging more people on to it, it is reasonable to expect that fares will not increase above inflation. Indeed, in an expanding network that was actively encouraging people to transfer to it, one would hope that, if anything, fare increases would be below the overall RPI.

There are some other worrying indications. I need to press the Minister a little more about the negotiations and terms of the contracts, about which I have had some correspondence with him and others. When Arriva CrossCountry came through as the winner of the franchise in July last year, it said that it would introduce an older fleet of trains and cut back on-board services such as toilets and shops. I was contacted yesterday by my right hon. Friend the Member for Berwick-upon-Tweed (Mr. Beith), who would have been here were it not for the fact that his Select Committee commitments prevented him. He asked me to point out his concerns about the services that pass through his constituency, in particular through Berwick. He is appalled to hear suggestions that hot food services could be cut in standard class between Dundee and Penzance.

Evidence suggests that not many passengers take the whole journey on that train, but the train makes the whole journey and people have the right to do so, too. If people taking a significant chunk of the journey from Dundee to Penzance are told that they will be on the train for hours but that no hot food will be available, it is pretty poor provision. Perhaps the Minister will tell us what is happening. If the argument is that by not having hot food and having fewer toilets we can seat more passengers, it means that more passengers will be offered a poorer service. Are those the expectations? Is such provision within the contract that the Government negotiated? What is the justification for that? I hope that the bid was not accepted because it cost the least in subsidies, rather than because it met the balance between cost-effectiveness and passenger need. Will the Minister share with hon. Members how the Government balance the two factors of value for money for the taxpayer, in terms of a lower subsidy, and comfort and efficiency for the passenger? It is not right for one to be completely traded for the other. I hope that the Minister agrees.

Just this week, there was a demonstration by passengers on First Great Western, boycotting that railway, refusing to pay or using fake tickets. I do not want to make too much of that, but there are clearly pinch points where passengers feel aggrieved because, although they are paying, in some cases, significant sums to use trains, they are not getting the service they expect so, not surprisingly, their anger rises.

The Government, perhaps understandably, are anxious to control or reduce the subsidy given to the railways—we need a debate about that. However, that has to be part of a genuine public engagement about where the burden is shared. If it is simply a matter of the Treasury reining back on the cost of the railways and, in effect, offloading it on to passengers by saying, "We do not have the capacity anyway, so we can charge them more and more, and actually it will be helpful if they go elsewhere", that ignores the wider debate about climate change, pollution, congestion and so on.

One of the reversals of progress, compared with 150 years ago, or even in my lifetime—50 years ago, say—is that people used to be able to walk into a station, ask about the route and find out which fare, by whatever class they wanted to travel, provided the best value from A to B. That is no longer an option. The amount of questioning, effort and research that is needed to find the best route and the best fare is disproportionate to the result.

Stephen Hammond (Wimbledon) (Con): When I was researching for the debate, I was intrigued to see that one of Arriva's commitments for its new cross-country franchise was to provide a website showing clearly the cheapest fare and the quickest way to make journeys. Can the right hon. Gentleman tell us whether he or his constituents have any experience of whether that website is up and running yet?

Malcolm Bruce: I do not know, although I will give a sample of fares for part of that route later. However, the hon. Gentleman makes my point. It is all very well saying, "We have a route—one route—and we can tell you exactly what the best fare is on it", but many people travelling cross-border have to change trains and operators, particularly when going from north-east to south-west, or vice versa, and that is where the difficulties arise. That was true in Victorian times, too, but there was none the less an integrated timetable and fare structure, so it is not something that was possible only during the British Rail era.

The whole fare-pricing structure involves the price, the name of the ticket and its validity, any conditions attached to it, its variability and whether it is appropriate for the journey that people are taking. Increasingly, people are prepared to use the internet, hoping that it will have done the work for them, to search for the best fare. However, that is a matter of trust; people do not know how good the internet service is and the extent to which it has provided the right answer. In any case, they have to ask the right questions.

A considerable amount of research is still required to find the cheapest price. People have to book early in advance, if they can, for the cheaper, fairer prices that the Government say are available, but which are often buried in an obscure area, for an obscure train at an obscure time. If that is so, it is a meaningless option. The French have a "most recently bought" competitive fare, which enables passengers to know which fare people buy most regularly and how it compares with other fares.

As information is not available and people cannot find the best deals, journeying by rail is becoming increasingly beyond the means of the majority of people in this country, particularly if they are travelling, as I have sometimes tried to do, with a family, notwithstanding family rail cards and the like. My office priced a journey for a long weekend next month, travelling on Thursday

and returning on Monday, from Huntly in my constituency to Bristol. That is not an unusual journey—it is not true that everybody wants to go to London—but the cheapest price for one adult is a saver return at £168.30 on a restricted ticket. When I talked to someone from my local newspaper about that, he said, "Don't you mean £68.30?" I repeated that the ticket cost £168.30. A standard open return ticket costs £279, which is a pretty steep jump.

People can pay a cheaper fare if they have the patience and time to investigate the single fares on offer. Of course, that has become the great catch. Most people assume that if they are buying a return ticket there is a discount—a deal. However, increasingly, the way to find the best deal is to buy two singles, independently, from opposite ends of the proposed journey. If people do that for a return journey from Huntly to Bristol, they can find a return fare totalling £92, but the tickets are valid only on specified trains. That is a serious problem, because even people who are pretty clear about when they want to travel can find that circumstances change, and their whole ticket would be invalidated if that happened.

Just for the record, the train journey from Huntly to Bristol takes 10 and a half hours. According to the AA, the road journey takes nine hours and 55 minutes on 547 miles of road. Although I am not sure that I believe that figure, I shall use it for a comparison. Would a family, or even two or three adults, even contemplate a 10 and a half hour train journey that cost, at a minimum, nearly £300 and might cost £500 or £600, or would they take the car?

Although people can find competitive fares, it is not reasonable to expect them to do all the work themselves. There is no guarantee that they will get the most appropriate fare or deal for their circumstances. We need to take a much more radical look at how all these things are operated and reported on. That is not just my view. The Select Committee on Transport has, not surprisingly, looked into the matter and was pretty critical about what it found out in its sixth report of the 2005–06 Session, "How fair are the fares? Train fares and ticketing". The Committee commented on the costs and said that

"on the whole, there is little doubt that walk-on rail fares in the UK are more expensive than in many European countries."

It also criticised the lack of flexibility, particularly for walk-on fares:

"It is essential that when rail passengers walk up and buy a ticket immediately before departure, they do not have to pay over the odds. Fully flexible open fares may need to command a price premium over other less flexible tickets, but the prices now charged by many long-distance operators are absurdly high. The 'see how much we can get away with' attitude of operators has put the thumbscrews on those passengers who have no option but to travel on peak-hour trains, using fully flexible open fares. Such behaviour has brought not only individual train operators, but the passenger railways in gener[illegible] into disrepute."

The Committee issued a rebuke about the complexity in unregulated fares. The Government have said that they are putting in place a simplified system, but it is not clear how effective it will be or whether long-distance operators will apply it. If the Minister can give an update about exactly what is being done to try to simplify the structure so that people can access and manage it, I would be grateful.

It is worth recording that, although things have improved, the three cross-border routes attract a high number of complaints. When I asked the Library for information, I was told that, in 2006-07, there were 1,229 complaints against the three train operating companies offering cross-border services, which outnumbered the 973 complaints made against all the remaining 18 train operating companies. There were more complaints against those three operators than the other 18 by a factor of four to three. I accept that the cross-border routes involve longer journeys, but given that many people do not bother to complain and only three operators and three routes are involved, it is indicative that there have been serious problems. However, I acknowledge that the figures seem to have improved.

The situation is not all bad. We have some good operators and some new franchises, but there is still some uncertainty. People want reliability, improved journey times and fair and competitive fares, but we have a long way to go, even within the existing structure, to deliver people's expectations.

I turn to the vision thing, or perhaps I should call it the lack-of-vision thing. Many people have travelled on continental railways. People travel internationally, so they are aware of what other countries are doing, and they feel that the United Kingdom is falling embarrassingly behind. Japan sets a high standard in reliability, punctuality and cost. My parliamentary researcher, who went to a wedding in Japan over the Christmas and new year period, reminded me of how efficient the Shinkanseng—the bullet train—is in time and price.

I have made some comparisons between the UK and France. France may be the aspirational model, but it is our next-door neighbour and it is reasonable to ask why we are so far adrift from what the French have done. There is no doubt that what has been achieved in France has been the result of genuine political leadership, vision and determination. I shall give an example. The trip from Paris to Marseilles is about 411 miles, compared with 397 miles for the trip from Aberdeen to London. That is the distance as the crow flies, and I accept that the track does not follow the crow, but I am comparing like with like. The journey time is hugely different; from Paris to Marseilles, it is three hours and three minutes, compared with seven hours and eight minutes on a comparable line in the UK, so there is no contest.

Even given the favourable exchange rate, the TGV fare is significantly more affordable. The most popular, most bought fare is £36 return. Recently, I helped my daughter to book a summer rail trip from London to Avignon, which is a direct service that runs in the summer and takes five and a quarter hours. The return fare is £189, which is a fantastic bargain in time and price compared with anything in the UK.

When the Government commissioned a feasibility study on high-speed trains, as they did for their last manifesto, they estimated that £30 billion would be required for a high-speed Scotland to London line. When the White Paper was launched last July, the Secretary of State dismissed proposals for a high-speed railway and suggested that it would not be considered again until 2012, presumably because then we will have digested the Olympics and it will be after the next election. That is not a satisfactory response. The Secretary of State said:

"If the economics or the environmental calculations change, it is right that we consider them in due course"—[*Official Report*, 24 July 2007; Vol. 465, c. 695.]

I suggest that they are changing, and changing fast.

[Malcolm Bruce]

There are issues of climate change, congestion, pollution and economic diversity in the UK. My constituents and I consider ourselves to be major contributors to the British economy in terms of the goods that we supply, particularly food, to the home counties market. We are heavily engaged in oil and gas, paper and other industries. A high proportion of our customers are in the south of England, and communication with people and goods to the south is of mutual benefit, yet one has the impression that the south of England is quite happy, despite our balance of payments deficit, to import competitive products from the near continent rather than from the UK's hinterland. Part of the reason for that is that the near continent has invested in high-speed rail links that are not available to the further parts of the United Kingdom.

That economic disadvantage hampers not only the parts of the UK that have the capacity to serve domestic markets, but our own economy, because it means that instead of using domestically produced goods, we are importing them. That is partly due to the lack of infrastructure investment. A fast rail link between Edinburgh and London would help to redress the north-south economic divide, and I am sure the Minister acknowledges that.

We should consider journey times in France, and what a high-speed rail link would do for the United Kingdom. Journey times to the central belt of Scotland could be only two and a half hours, which would have a huge impact on domestic capacity at airports, allow more international flights from domestic airports and reduce the number of journey connections. There would be benefits in reducing aviation, reducing pollution and increasing efficiency.

When I spoke to Virgin, the company said that there is substantial capacity to switch people from planes to trains on, for example, the Glasgow route. It obviously has an obligation to run its services, but it needs upgrades and improvements on the lines to do so. Its plea is for both parts of my submission: first, that we keep investing in existing services to cut down journey times and increase efficiency and reliability, or enable rail companies to do so and, secondly, that we have the vision in the long term to connect to a high-speed link as and when that investment is made.

It is easy to ask where £30 billion or more will come from, but that is where the political will comes in. It is a lot of money, but it can be spread over many years. Governments have a way with figures. When they want to show how much they have spent, they total a huge number of years and say that they are spending billions, and when they want to say how unaffordable something is, they do the same. When they want us to believe that identity cards are a great idea, they say that the cost is just a small amount each year and absorbable within the overall cost. It is a matter of will.

The chief executive of Network Rail favours such an investment—as he would. He talks about London to Glasgow, via Birmingham and Manchester, London to Edinburgh via Leeds and Newcastle, and London to Cardiff via Bristol. There is talk of a possible route linking London, Birmingham, Manchester, Leeds, Newcastle, Edinburgh and Glasgow, perhaps with a branch to Liverpool—*[Interruption.]*

David Taylor (in the Chair): Order. That is the third occasion on which the debate has been interrupted by an electronic device. Will all hon. Members and observers please ensure that such devices are switched off?

Malcolm Bruce: I apologise, Mr. Taylor. I assure you that my phone is now firmly off.

The argument is that we can invest in rail if we want to. Such investment would have a huge transformational effect on the sense of unity of the United Kingdom and its land area. As a Scottish MP who believes in the Union, I say to the Minister that a strategic focus of that kind is a classic example of what the Union can achieve. It will bind us together in a common interest rather than drive us apart.

I make no complaint about the fact that a significant amount of the funding for the railway network in Scotland has been devolved to the Scottish Executive and the Scottish Parliament. I do not quarrel with that because clearly they have more local knowledge. However, I hope that the Government will acknowledge that devolution does not absolve them of strategic consideration for rail services that affect Scotland and England. I do not mean just those that straddle the border, but linking services, too. It is not commonly recognised that, if one is in the central belt of Scotland, there is more than 300 miles of Scotland to the north. My home village of Torphins is 220 miles from the English border, but it is also 220 miles by road from Orkney. Such distances are really important, and railways contribute hugely to shortening those journeys.

I am not arguing for a high-speed link all the way to the north of Scotland, but for real investment in services across the central belt. We need a real commitment to invest in high-speed trains for journeys that include the central belt and we need investment in efficient connecting links. There would be little point in building a high-speed line that cuts the journey time from London to Edinburgh to two and a half hours, which would be comparable to what the French have achieved, if it then takes two and a half hours or more to get from Aberdeen to Edinburgh—a journey of little more than 100 miles—to connect with that service. There needs to be a comparable upgrade in all the services to enable such a high-speed line to work.

I want to make two small local points. One of them is within the remit of the Scottish authorities and the other is not, so I shall speak to the Minister's colleague, the Under-Secretary of State for Transport, the hon. Member for Poplar and Canning Town (Jim Fitzpatrick) about it. Network Rail made a commitment to upgrade the Aberdeen to Inverness service and to provide for the possibility of a commuter rail link between Inverurie, the main town in my constituency, and Aberdeen, which would have huge benefits for consumers, at a cost of between £60 million and £70 million. Network Rail handed over that responsibility to the Scottish Executive who, so far, have shown no real will to pull together the money. They have argued that the project needs to be phased, showing a complete lack of understanding. The project does not lend itself to phasing, because the track, passing spaces and signalling have to be provided before the rolling stock can be introduced. Once those things are in place, the rolling stock is immediately required. I hope that Network Rail has not handed us a duff transfer.

The other issue is rail freight. A very worthwhile effort to provide subsidy to encourage traffic from road to rail had led to the development of services into and out of Aberdeen. Asda, in particular, was bringing in food for its stores in the north-east and a consortium of local transport organisations was putting together an initiative, too. The rules of the franchise were that there had to be a stopover point in Scotland. As a result, the southward part of the service does not attract subsidy, which means that the service will become non-viable. I hope that Ministers will readdress that point. As I have said before, if we are supplying our goods to the home counties, it seems illogical to enforce a stopover point in Scotland to qualify for the subsidy. I hope that it will be possible for the matter to be concluded.

I have indulged myself, Mr. Taylor, on the grounds that I have not had a huge number of interventions. It has given me the opportunity to range more widely over the course than might otherwise have been the case. I hope that hon. Members will recognise the existence of some very serious issues. I do not suggest for one minute that the Government have no interest and no commitment and have done nothing. Such a comment would be unreasonable and unfair, and I wholly accept that a significant amount of taxpayers' money is involved. Those of us who were sceptical about privatisation always acknowledged that would be the case anyway, and that achieving a balance was the issue.

I have avoided going into the whole argument about the structure of the railways because that is for another time, another place and another debate. To those who say that we cannot control everything, I point out that all we are concerned about are two issues. Can we have more reliable services, which run more quickly and are more competitively priced, and can we have an aspiration to provide rail investment that will put us on a par with the substantial investment that is taking place across the country?

I hope that the Minister will give us some answers, certainly on some of the detailed points that I have raised, although I am not sure that he will be able to answer my second question. However, that is the kind of vision that our country needs. I submit to the Minister that there is a very strong case for the United Kingdom to recognise that strategic investment of the kind I described benefits the UK economy and all its parts, reduces our balance of payments deficit, increases the efficiency of the distribution of people, goods and services within the United Kingdom and is probably one of the biggest single infrastructure developments that would put us in a competitive position with our continental counterparts. I urge the Government to look for that kind of vision. I am disappointed that so far they seem unwilling to do so.

10.6 am

Mr. John Leech (Manchester, Withington) (LD): Thank you, Mr. Taylor. It is a pleasure to see you in the chair this morning. I congratulate my right hon. Friend the Member for Gordon (Malcolm Bruce) on securing this important debate. It is slightly disappointing that there are not more colleagues from both sides of the House with us this morning. Perhaps they are still stuck on a slow train from Scotland. My right hon. Friend was typically eloquent in sharing his concerns about rail services between Scotland and England and made a strong case for improving services. He pointed out that the east coast main line is not just London to Edinburgh. If we are serious about having good rail services, the east coast main line is providing services all the way up the east side to my right hon. Friend's constituency and to Aberdeen.

The second point that my right hon. Friend made was in relation to the competition that rail services have from the airline industry. Certainly, Aberdeen airport has seen some significant investment and expansion of services that provide very stiff competition to the rail industry. I have to confess that I rarely use cross-border rail services to Scotland, representing as I do the constituency of Manchester, Withington. I am a regular passenger on the west coast main line, but only on the section between Manchester and London. Manchester benefits from a good service to London, which is to be expected given the massive investment in the west coast main line. That has reduced our journey time from Manchester to just over two hours for the quickest service. I have to confess that when I use the late service at night, I am very frustrated that it takes three hours. However, in comparison with what some of my hon. Friends and other hon. Members from other constituencies further north experience, I should be pleased that the journey is only up to three hours.

I am amazed that anyone from Manchester would still choose to fly to London, unless they are on a connecting flight out of the country. When it comes to speed and convenience, the train offers the best choice. However, the situation for services beginning and ending in Scotland is somewhat different. My right hon. Friend mentioned the mammoth seven-and-a-half hour train journey from Aberdeen to London. Yesterday, while preparing for the debate, I checked the journey times of train services from Edinburgh and Glasgow to London. I was amazed that, if I had wanted to take a train from Glasgow or Edinburgh to London this morning, the quickest trains from Edinburgh would have taken four hours and 20 minutes, the time from Glasgow would have been four hours and 25 minutes and the journey times for the vast majority of services from Glasgow and Edinburgh were more like five hours.

My right hon. Friend went on to compare those journey times with the journey times for high-speed rail in France. It takes just over three hours to travel the 400-odd miles between Paris and Marseilles, compared with seven hours to travel the 400-odd miles from Aberdeen to London. People can see the big difference.

If journey times are not enough of a disincentive to choose rail over air services, the increased cost of rail travel is a real and understandable concern for passengers. We can add to that the complicated ticketing structure, which often makes it difficult for passengers to get the cheapest deal. I accept that, if people do their homework, they can get cheap deals on rail services, but that is often quite a lengthy process and, despite the media attention and the report from the Transport Committee to which my right hon. Friend referred, many people are still unaware of the cheaper tickets that they can get hold of.

The relatively cheap cost of flights is a major attraction for passengers. One advantage of flying is that, when someone books a flight, they are guaranteed to be getting the cheapest flight available at the time when

[Mr. John Leech]

they book the ticket, whereas if someone tries to book a train ticket, there is no guarantee that they will get the cheapest ticket.

I will not fall into the trap of comparing the cost of the cheapest flight from Aberdeen to London with the most expensive open single first-class train ticket for the journey from Aberdeen. Having read the record of a previous Westminster Hall debate in which this Minister represented the Government, I do not want to give him the opportunity this morning to dismiss legitimate concerns about the disparity between rail and air fares. However, I have done my homework for the debate and the cheapest rail fare for a return journey between Aberdeen and London is £73.50 and the cheapest return flight costs £60.96. When we take into consideration the very limited scope of the cheapest rail tickets and how difficult it is to purchase them, it is probably reasonable to compare that cheapest flight price with the adult saver price of £117 return, which is almost double the cost and almost double the journey time.

Over the Christmas period, rail passengers suffered a double whammy. They suffered massive delays and disruption to services, and in January that was followed by big price increases, including inflation-busting increases, as my right hon. Friend said, of 6.6 per cent. for National Express services on the east coast and 7 per cent. for the Arriva-run cross-country franchise. It is to be hoped that those fare increases will result in improved services for passengers. My right hon. Friend made the very pertinent point that customers would like to see improvements in rail services before the prices are hiked up.

Following the announcement that Arriva had won the franchise, the Minister argued that the reason for the decision was Arriva's commitment to increasing capacity on rush-hour trains—an increase of up to 30 per cent. in the number of passenger seats by 2009.

The Parliamentary Under-Secretary of State for Transport (Mr. Tom Harris): I just want to clarify that point. The hon. Gentleman is referring to the invitation to tender and the requirement in the franchising process for that increase in peak services. It was not part of one particular bid; it was a requirement of all bidders that they come up with solutions that would significantly increase capacity. I think that that should be put on the record.

Mr. Leech: I thank the Minister for clarifying the point, but certainly one advantage of the Arriva bid was that it intended to increase the number of seats available for passengers. However, that increased capacity comes at a price, because buffet cars and toilets have to be removed, and the changes to the timetable mean that a number of direct services to the south coast and the south-west of England from Scotland have been cut. That will lead to further increases in journey times and some disruption at Birmingham New Street.

I do not believe that anyone will disagree that the future of rail services depends on the investment that the industry receives, whether the money comes from the Government, the train operators or the fare-paying passengers. The cross-border rail industry faces a big challenge to be able to compete with domestic flights. At the moment, it cannot compete on journey times and it struggles to compete on price. The Minister may disagree about prices, but even when rail prices are competitive, there is a general perception that as a passenger it is cheaper to fly.

By 1997, there had been massive under-investment in our railways at the hands of the previous, Conservative Governments. I am willing to accept, and I think that my right hon. Friend accepted, that since 1997 there has been some progress, but so much of the investment in the railways—

Stephen Hammond: Would the hon. Gentleman like to tell us when he thinks that the under-investment in the railways started? Did it start in 1979, 1945 or before then? If he is going to start his railway history by saying that the under-investment was from 1979 onwards, he ought to go and read some railway history, because that is not when the under-investment in our railway services started.

Mr. Leech: I thank the hon. Gentleman for his intervention and I accept that under-investment in the railways did not start in 1979. I can be forgiven for making that accusation about the previous, Conservative Government, as I was only eight years old when Margaret Thatcher came to power.

Stephen Hammond: You can expect to be corrected every time you make it.

David Taylor (in the Chair): Order.

Mr. Leech: However, I argue that successive Conservative Governments from 1979 to 1997 made little attempt to reverse the decline in investment in the railways. Since 1997, there has been some progress. I am willing to accept that, but so much of the investment in the railways has been spent on catching up as a result of years of neglect and on investing in vital safety work. We would all agree that that is vital, but unfortunately it has often been at the expense of expansion of services.

The Government have promised £10 billion of extra investment over the next five-year period, but that will go only so far. The Liberal Democrats propose to more than double that investment through the introduction of a lorry road user charging scheme and an additional tax on domestic flights, except on lifeline routes. Those additional charges are expected to raise up to £12 billion of up-front investment from the revenue that would be generated over 30 years. That policy would have the added bonus of levelling the playing field between the airline and rail industries and would make it easier for the rail industry to compete on price.

We would also maximise investment from train operating companies by increasing the length of franchises to encourage investment. The Minister may disagree, but there is strong evidence that the certainty of longer franchises would boost investment. Most recently, Virgin proposed to acquire 100 more Pendolino carriages. For a £200 million investment in the west coast mainline, it wanted an extension of its franchise. Will the Minister say something about why the Department chose to block that proposal?

The Liberal Democrats are committed to a revolution in the rail industry. We are looking at detailed plans for network expansion with quick wins and longer-term goals, and we are committed to high-speed services to

the north of England and Scotland. Rail will compete with air on a level playing field only when quick services to Scotland compete on journey times and price. Unless we invest further in improved services from north of the border, the danger is that excess demand will be taken up not by rail, but by airlines.

10.20 am

Stephen Hammond (Wimbledon) (Con): Thank you, Mr. Taylor, and like the hon. Member for Manchester, Withington (Mr. Leech), I must say that it is a pleasure to serve under your chairmanship.

I congratulate the right hon. Member for Gordon (Malcolm Bruce) on securing the debate. We had a broadly similar debate on 13 March last year. None the less, this is a timely debate because of some of the developments in the past year, including the double whammy at Christmas, which the hon. Member for Manchester, Withington described, and the re-letting of several of the franchises that affect cross-border services.

If one looks at the statistics most recently supplied by what I call the Scottish Executive, but who call themselves the Scottish Government, one can see that there were 2.6 million cross-border journeys originating in Scotland in 2005-06. Quite bizarrely, the number of cross-border journeys originating without Scotland was exactly the same, meaning that there were about 5.2 million cross-border journeys. In that context, one would expect the commitment to rail from the UK Government and the Scottish Executive to accelerate. However, when we look at the Scottish Government's transport plans, we see that their transport spending on rail services is forecast to decrease—they say that they will spend less on rail in each of the next two years. That is important.

I agree with the right hon. Member for Gordon. He counted three cross-border services: the west coast main line, which is run by Virgin; the east coast main line, which is run by the new National Express franchise; and CrossCountry, which is run by Arriva. Of course, there is a fourth—the overnight sleeper is run by First ScotRail—and I shall make some remarks about that later. The right hon. Gentleman gave us an eloquent introduction. He is absolutely consistent in what he says on the matter. I looked at his website, and it is clear that his concerns are not new. He spoke to Ministers prior to the re-letting of various franchises last year to ask for assurances that the contract would maintain services to Aberdeen, rather than focus on links to Edinburgh. I could predict where his argument would go today after looking at his website; he has written about the case for high-speed rail links to the north, and he partially made that case today. I want to explore with the Minister some high-speed rail issues.

The right hon. Gentleman also sensibly pointed out the issue of finding the cheapest fare. Only in the past week have I succeeded in finding the website that tells people about those fares. I declare no interest as regards the website, but I am told that www.barrydoe.plus.com is now the website of choice for those who want to find the cheapest way to get anywhere. However, the right hon. Gentleman made the point that sometimes, people must combine three or four single journeys to find the cheapest fare; and, bizarrely, on one journey, it turned out that buying a ticket to Falkirk was the cheapest way to travel from Penzance to Birmingham. That shows that there are still some bizarre ticketing problems. They are the fault of the operators and Network Rail, not the Government. They cannot be laid at the Government's door, but it is right for politicians to criticise the train operating companies for them.

I listened with interest to the hon. Member for Manchester, Withington. He will not be surprised to hear that, every time that people make a point about the period from 1979 onwards, I make the point that, according to rail industry statistics, investment has been falling since 1945; indeed, a lot of people claim that it has been falling since 1920. If he wants to read some excellent and impartial rail history, I guide him to books by Professor Huxley, who writes well on such matters.

The hon. Gentleman said that the Liberal Democrats are committed—he can correct me if I am wrong—to a revolution in the rail industry. There may be many things wrong with the rail industry, but neither Network Rail nor the train operating companies nor many other people want a revolution. We perhaps need an evolution toward some solutions, but do we need a major structural rip-up? We need to improve what we have, and I shall make some critical remarks about Network Rail because of its performance on the west coast main line over Christmas.

Mr. Leech: When I talked about a revolution in the rail industry, I was talking about services to passengers, rather than the actual network.

Stephen Hammond: In the light of that clarification, I agree with the hon. Gentleman, as I am sure the Minister will. Ensuring that passengers get the very best services and getting railway system operators to focus on that is important.

The debate has fallen neatly into two parts: the current state of cross-border rail services, and the future prospects for those services. As has been rightly mentioned, the Christmas and new year chaos was simply unacceptable. Passengers from Scotland and the north of England were rightly angry about the delays, engineering overruns, the fare increases that they suffered, and, as much as anything else, the lack of consultation and notice. The train companies bear the brunt of that anger, but they have led the way in telling Network Rail to do something about its consultation. Tony Collins, the chief executive of Virgin Trains said:

"If they can't guarantee"

the length of time that engineering works take,

"we would rather the completion date was put back".

He went on to say that it is simply unacceptable for Network Rail to provide the sort of service that it provides to the train operators.

In the past two or three years, the train operating companies have borne the brunt of passenger criticism for what are usually Network Rail's errors. Now that a number of institutional factors are no longer in place, I suspect that the train operating companies will not be prepared to take the brunt of the criticism and that Network Rail's problems will be increasingly exposed. As I said in a debate in the House on 8 January, Andy Chivers, who covered the Liverpool Street area, echoed Tony Collins. He said that there had been a "major failure" of Network Rail operations over the Christmas

[Stephen Hammond]

period. On the west coast main line, 60,000 passengers had their journeys disturbed. As we know, the affected area around Rugby remained closed for about three days. The west coast main line is the busiest mixed-traffic railway—it carries both passengers and freight from south of Glasgow to London. About 75 million journeys are made on it each year. Mr. Collins, chief executive of Virgin, described the situation as a complete fiasco. Virgin's managing director, Mr. Gibb, spoke frankly:

"This is a major inconvenience to...thousands of our customers"

Significantly, he added:

"I'm sure their patience, like ours, has now run out."

If Network Rail cannot deliver that service to the train operating companies, people will increasingly ask why it is not more accountable and efficient. That is at a time when we are seeing a squeeze in the public sector because of a more difficult economic situation. A chief executive gets £465,000 and is awarded a bonus of £76,000, and the non-executive directors last year awarded themselves an 18 per cent. pay increase, at a time when our police force is being asked to accept a 1.9 per cent. increase. If Network Rail cannot get itself in order, the public and the train operating companies will increasingly ask the Government, "How are you going to make this company more accountable and efficient?" Disingenuously, Network Rail blames its contractors for the problems. I say that because the contracts for the work done at Christmas would have been put in place 15 months beforehand, on the normal basis for possessions. It is pathetic to blame the contractors when that amount of lead-in time was given. In the light of the lead-in time given, why were Network Rail's contract management systems so poor?

There is a real issue about the performance of Network Rail. It claims that it would be easier to take those services in-house, yet the reality is rather different. The railway accident investigation branch report on the problems at Waterloo caused by two minor derailments in September and October 2006 rightly pointed out that those problems occurred when the operations were in-house. We can have no confidence in that solution.

One of the questions arising from the Christmas fiasco that the right hon. Member for Gordon will want answered today is whether the Government have been told by Network Rail that the west coast main line upgrade will be delivered on time in December 2008. That is the key to the cross-border services from Scotland.

Over the past year, we have seen one or two other developments in cross-border services. The awarding of the CrossCountry contract to Arriva last year gives some hope. I travelled on that service twice last year—once from Penzance to Birmingham and once from Plymouth to Birmingham. On both occasions, the train was already an hour late when it arrived at Plymouth, and it arrived at Birmingham an hour and a half late. I assume that it would have been two or three hours late when it arrived in Scotland. That is a regular service, and I am sorry to say that it is a relatively regular occurrence. Such delays are not acceptable.

One looks with interest at whether Arriva will be able to deliver on its promise of a 35 per cent. increase in seating. An increase in rolling stock will help people looking for the easiest way to plan journeys, perhaps on the website that I mentioned earlier. Arriva confirmed earlier this week that it is to lease 10 new high-speed cars from Porterbrook and others. That must be good news for the CrossCountry franchise, and good news, I suspect, for people travelling on that service. Getting extra cars on such essential services is the key to delivery. Mr. Cooper, managing director of CrossCountry trains, spoke of his firm's "focus" and its "priority" of providing effective delivery; I hope that that will be justified with the introduction of those trains. Does the Minister intend there to be more of those trains on that franchise over the next four or five years?

The hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) initiated a similar debate last year in Westminster Hall. He made much the same points about the east coast main line that the right hon. Member for Gordon has made today about the west coast main line. He also raised some questions about services beyond his constituency in Edinburgh.

I hope that the Minister will speak about the future of services from London to Aberdeen and from London to Inverness, and what the upgrade prospects might be for those two services. The Scottish Executive said that they intend to electrify more lines. I understand that, north of Edinburgh, those two lines are not included in those proposals. I am keen to hear from the Minister exactly what discussions the Government have had with the Scottish Executive about including those lines in the electrification process. If they are not included, we shall suffer a problem that has already been identified—we may get a faster service from London to Edinburgh, but thereafter it will be very much slower.

Malcolm Bruce: In that context—perhaps the Minister will also answer this point—the hon. Gentleman will be aware that the Scottish Executive have mentioned a new Forth crossing at an estimated cost of £4.5 billion. I am not opposed to that crossing and I recognise the need for it, but does the hon. Gentleman not agree that an awful lot of money could go into improving rail services north of the Forth, which would reduce the pressure on the crossing and on the old railway bridge? Incorporating rail investment into that crossing would be a valuable addition.

Stephen Hammond: I am sure that the Minister will wish to address that point.

I turn to the fourth cross-border service—the London-Scotland sleeper service. Is the Minister clear from his discussions with ScotRail that that service remains secure? What discussions have the Government had with ScotRail or the Scottish Executive to ensure that that service, which I understand has increased significantly in popularity over the last year or so, has future improvements written into its plans? Will the Minister clarify exactly what the Government have said to the Scottish Executive about their proposal to decrease the amount of investment in rail over the next three years?

The right hon. Member for Gordon touched on the vision thing. That is important, but we should not simply build an edifice for the sake of it. If we are to build a high-speed railway, we need to be quite clear why we are doing so. We must be clear that it will deliver the infrastructure needed to support the expansion of the economy over the next four or five years, and whether it will deliver the extra capacity that the railways

will need over the next 25 to 30 years. Another part of the equation, of course, is the environment.

The Eddington report said that there should be no plans to review the feasibility of high-speed rail until 2012. Will the Minister say whether that remains the position? In terms of the UK's infrastructure development, there is a place for high-speed rail, but it will have to be combined with a number of other ongoing projects.

If we are to consider high-speed rail, it is unlikely that a London to Scotland link will be built in one go. We did not build the motorway network in one go; it was built in fragments. It is worth pointing out that the first fragment of motorway went from Preston to the coast, which was not the most logical part to build first. If one were to build the London to Birmingham section first, and then onwards, a total cost of £30 billion for London to Scotland would be about right. However, some good studies suggest that, with some help from the planning procedures, the first phase from London to Birmingham could be built for about £8 billion. It is clear that the City and private sources of finance would be, and will continue to be, available to the Government.

I emphasise, as the Minister knows—he has heard me say so several times—that the Conservative party is committed to undertaking a feasibility study into high-speed rail. It will answer some of the challenges of the next 25 years, especially on the infrastructure, and it will also help with freight. Alongside that, we will consider the taxation of foreign lorries. We must also compare the problems of having longer, heavier lorries against using rail freight. It seems to me that rail freight is important not only from north to south but also from east to west.

We have had a wide-ranging debate today on cross-border services. We have concentrated on the two matters that are crucially important: the services that exist now, including how they can continue to provide the best service and be improved; and also the future of those services. I look forward to the Minister addressing both of those points in his remarks.

10.40 am

The Parliamentary Under-Secretary of State for Transport (Mr. Tom Harris): I begin by congratulating the right hon. Member for Gordon (Malcolm Bruce) on securing the debate.

This is one of those occasions when we can perhaps spend a little more time in a slightly less heated environment than the main Chamber on giving some thought to these issues. I am delighted that the right hon. Gentleman was the sponsor of this debate, because he raised, in a methodical and reasonable manner, some of his concerns, which, as a constituency MP, are entirely legitimate. I did not agree with all of the right hon. Gentleman's conclusions and I think that he said in his own remarks that he did not expect me to. However, he has raised some very interesting points. So, in the time that we have left, I would like to go through as many of them as possible.

The right hon. Gentleman first asked me to make it absolutely clear that the east coast main line franchise covers the whole of the route from Aberdeen down to London, and I am happy to make that clarification. When the franchise was handed back by GNER at the end of 2006 and we found ourselves in the position of having to re-let the franchise, it was made absolutely clear that the original specification on which the GNER contract was let would be the template for the new franchise, which, of course, included services all the way up to Aberdeen. That remains the case and will remain the case.

The right hon. Gentleman also talked about the aspiration of giving people a real choice, and that is a sentiment with which I entirely agree. In fact, looking at the coverage of transport policy in this country, one could be forgiven for assuming that the Government have some type of vested interest in, or some type of specific policy aimed at, achieving modal shift. I said in the Chamber a couple of weeks ago and I am happy to repeat it again now that the Government are not committed to trying to proscribe or persuade individuals from using one particular form of transport in favour of another form. That will probably come as a surprise to many observers, certainly to many journalists who write about this issue. What is more important than telling people to give up their car or not to use air travel is to give them a real choice. Where people do not have the choice between modes of transport, the Government must rise to the challenge. However, rather than simply telling people to switch from one mode of transport to another, the Government's policy and the Government's plan is to ensure that as many people in the country as possible—ideally everyone in the country—have a genuine choice of which mode of transport to use.

The right hon. Gentleman made a valid point that, in many parts of the country including his constituency, such a choice is not easily available, either to him personally or to his constituents. We must recognise that the facts of geography hold sway in some of these matters. Of course, given the choice between flying and getting a train from his constituency down to London, flying would be the preferred option. It would certainly be my preferred option, if I were in his shoes.

Of a Monday morning, I generally travel down to London using the Virgin west coast service, but on a Thursday evening I generally fly back to my constituency, on the purely logical basis that, on a Monday, I am less keen to see my private office staff than I am keen to see my family on a Thursday evening. For me, that is a choice of convenience and logic, and I hope that my private office staff are not particularly offended by that revelation.

That is a reasonable and logical choice for any commuter to make. In the right hon. Gentleman's constituency, many people, when faced with the logistical difficulties of travelling by train, will inevitably choose to use airlines instead. Nevertheless, it remains the Government's position that we want, as far as possible and as far as is practical, to give citizens of this country a proper choice.

However, in quoting from some of the media coverage—hon. Members will see that my grievance against the media is a constant theme of many of my contributions in this place—the right hon. Gentleman said that, given the age of the infrastructure, it is surprising that so many services run on time. I paraphrase; I am not sure which newspaper he was quoting from. There is an assumption, and a danger, that Members will copy or cite that example. There is an assumption that Britain's infrastructure cannot be described in any other terms than to use the adjective "crumbling". That is simply not the case, certainly not when it comes to the railway

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infrastructure, given the huge amounts of investment that have been made and the huge amount of successful work carried out by Network Rail on renewals on the railway network. We are a long, long way away from even a few years ago, during the Railtrack times, and certainly from the 1970s, 1960s and 1950s, when, as the hon. Member for Wimbledon (Stephen Hammond) correctly said, Governments of both parties were responsible for ignoring and crippling the railway infrastructure with cuts in investment.

We are a long, long way away from that situation now and I just want to put it on record, because it is not said often enough, that, as far as railway carriages themselves are concerned, we have the youngest fleet in the whole of Europe. Yes, there are examples and comparisons that we can give that allegedly put the British railway service in a worse light than many of our European counterparts, but simply in terms of the age of our rolling stock infrastructure we have the newest, youngest fleet of any of the major developed countries in Europe. That is something that we should be proud of and it is something that we should ask all of our colleagues in all parts of the House to recognise, because that is a success story, and we should stop talking down the railway industry as though it is some kind of third world or banana republic failing system, because that is absolutely the opposite of the reality.

The right hon. Gentleman also said—I do not know if these were his own words or a quote from *The Daily Telegraph*—that Network Rail was "keeping demand in check". That is similar to the accusation that the Government are trying to price people off the railways; if that is actually the case, we are doing a terrible job of it; given that 40 per cent. more people are now using the railways than was the case 10 years ago. I understand why these political criticisms are made, but there is not a single shred of evidence to suggest that any major line anywhere in the country is showing a decrease over the last 10 years in the number of people using it or is predicted to show a reduction in demand over the next five to seven years. On the whole, therefore, although I respect the view that the right hon. Gentleman expressed, he painted quite an inaccurate picture of Network Rail and its operations.

The right hon. Gentleman talked—inevitably, but understandably—about his concerns on fare increases, as did his hon. Friend, the hon. Member for Manchester, Withington (Mr. Leech). He said that passengers should reasonably expect fares to rise by less than inflation. Once again, to provide some clarity, the Government have said explicitly, in our White Paper, that the current regulation of fares—in other words, those fares that are regulated by the Government—will continue to be regulated by the existing policy of inflation plus 1 per cent. during the rest of the current control period, which ends in 2009, right up until the end of the next control period, which ends in 2014.

Of course, that will cause some challenge to some of our media detractors, who, year on year, sometimes month on month, like to announce front page news that there will be "inflation-busting fare rises". If one wishes to put it that way, there have been inflation-busting fare rises since 2004, when this policy was introduced and we institutionalised regulated fare increases to be inflation plus 1 per cent. That policy will remain until the end of the next control period.

That policy is justified, given the under-investment in the railways that I acknowledge has happened under Governments of both parties since the end of the second world war. We have seen significant increases in investment since 1997—I do not think that any party in the House would query or challenge me on the fact that we have seen record investment in the railway industry since 1997—but that money has to come from somewhere. I know that it is turning into a bit of a cliché, but there are only two sources of revenue for the railway industry: the taxpayer and the fare payer. We have made a deliberate political decision that the balance should shift towards the fare payer in the next control period. The taxpayer will be expected to continue, and will continue, contributing a huge amount of investment, but it is only fair that the travelling public should make a contribution.

On the development of our high-level output specification, the Government faced the difficult question of where to allocate funds over the next control period. The £15 billion that is available for spending on the railways is an historically large amount, and we have decided to use £10 billion of that explicitly to increase capacity on the railways. Different political parties can disagree with our conclusions on that, and different priorities demand our attention—electrification, high-speed lines and the reopening of old lines have all been mentioned—but we have taken the deliberately political decision to make extra capacity our priority. The right hon. Gentleman may believe that some of the £10 billion that is to be used to increase capacity should be used further to subsidise currently unregulated fares, and that is of course a perfectly legitimate political position to take, but it is not one that I share, because that would not be a good use of public money. The demands on infrastructure and rolling stock are so great that the priority should be to spend the money on the 1,300 new carriages that are due for delivery in the next control period.

The right hon. Gentleman asked about the new Arriva CrossCountry franchise and the cutting back of services. Let me make it clear that the Department does not specify levels of catering on any of our franchises. I never received so many approaches from fellow MPs from all parties as I did when the GNER franchise was handed back. They were concerned about the future of the excellent buffet services that had been available on the GNER service, which were a luxury that I suspect they particularly enjoyed. However, I had to disappoint them by making it clear that we had never specified the level of catering on GNER and that we did not intend to specify the level for the new franchise. Similarly, we did not specify the level of catering on the new CrossCountry franchise. The right hon. Gentleman mentioned the hot buffet service, but the hot food service on other franchises, including Virgin West Coast, is available only at seat in first class, so the problems that he said affect the new CrossCountry franchise are quite prevalent in other parts of the railway industry. That is not necessarily an excuse, but nor is this something that affects Arriva alone.

The right hon. Gentleman talked about customer information, which is incredibly important. He is right that the current fare structure and the system for getting information about the cheapest available fares is completely

unfit for purpose. We are working closely on the issue in partnership with the Association of Train Operating Companies. In October, the industry will produce the new fares structure that we have been working on with it. That structure will streamline all existing tickets into four main types. There will also be a new price promise, and we are working with all the train-operating companies to get their unanimous agreement on it. Essentially, that will mean that if a passenger buys a ticket and then discovers that they could have got a better value ticket for the same journey, the train-operating company will reimburse them for the difference. That does not happen at the moment. If we can reach an agreement with all the train-operating companies by October on implementing that process, it will be a major boost to the travelling public.

Mr. Leech: Will the Minister confirm whether that will include tickets that are bought on the train? Obviously, passengers on the train can pay only the full-price standard or first-class fare.

Mr. Harris: I ask the hon. Gentleman to wait until we make the announcement in October. I hope that there will be a clean slate in terms of the whole fare structure, the way in which customers buy tickets and the way in which they are reimbursed and protected, so that when confusion arises and people end up buying the wrong product, they are given appropriate reimbursement. The hon. Gentleman may well be right, but I do not want to pre-empt any of the discussions between the DFT and the train-operating companies.

Mr. Leech: My party would support the opportunity for people to buy the cheapest available tickets both on and off the train. I hope that the Minister will take that on board and raise it in his discussions with the train-operating companies.

Mr. Harris: I shall certainly pass the hon. Gentleman's remarks to the team of negotiators who are working with the DFT and the train-operating companies.

Stephen Hammond: Will the Minister clarify whether the four fares that will be put in place will all be dealt with under the regulated fare regime?

Mr. Harris: Some will, some will not. The fares are titled off-peak, super off-peak, anytime and advance. The fare regulation system will not be changing, and we do not expect to extend regulation beyond the types of ticket that we currently regulate, for the reasons that I set out. However, we shall try to ensure that it is clear to the travelling public which fares are regulated and which continue to be unregulated.

In the few minutes that I have left, I want to deal specifically with the right hon. Gentleman's comments. He claimed that the Secretary of State had dismissed high-speed lines, although he later clarified what he meant by that. It is true that, in the high-level output specification in the White Paper that we published in July, we did not make a commitment to build high-speed lines in the next control period. However, I refer him to the excellent report submitted to the Department last year by Rod Eddington. He concluded that connectivity, which is sometimes used to justify building high-speed lines, is not a strong enough argument to justify the expenditure involved. He noted that most large urban populations are reasonably well connected and that travel times are not particularly impractical. However, he also said that meeting capacity demands between the major urban centres over the next decade will create demand for new corridors and that high-speed lines might be a solution. He also made it clear that new motorways might be a solution, although the Liberal Democrats might not be particularly comfortable with that.

We are talking, however, about big decisions, which involve big money, and the Government will make those decisions in due course. It would be wrong to say that the Department will be ignoring the issue until our announcement in 2012, because we will be doing a lot of work between now and then on whether high-speed lines will give value for money and are an appropriate response to the capacity demands that will beset us in the early part of the decade after next. It would be wrong to say that the Secretary of State has dismissed the case for high-speed lines; there are ongoing discussions about the issue within the Government, and it is still on the table. However, we will not commit to anything for the next control period.

I understand the excitement that was caused by the opening of St. Pancras and High Speed 1, which gave a tremendous boost to the image of Britain's railway services, but it would be wrong to start coming up with public policy on the back of the hype. Regardless of the right hon. Gentleman's admonition that large projects can be paid for over many years, we are still talking about very real money—£30 billion over 10 years—and it will have to come from somebody's budget. We shall therefore take the necessary decisions in due course, although I accept that that is never quick enough for most people in the railway industry. None the less, the decisions will be taken, and we shall take our time about that because there is no need to reach a decision earlier than 2012. I am therefore confident that we will come to the right decision either for or against high-speed lines.

The right hon. Gentleman talked about the Union, and it is a pity that no Scottish National party Member has seen fit to be present for this debate. He is right that we are one country, and high-speed lines would provide, if not necessarily the economic boost that he spoke about, a very physical representation of the Union between Scotland and England.

Teenage Pregnancies

11 am

Chris Bryant (Rhondda) (Lab): I shall begin with three brief stories. The first comes from my constituency last Friday, when I spoke to various older ladies about their experiences of teenage pregnancy and how they thought that it affected other people's lives. One lady, in her late 40s, said to me touchingly, "I had a baby at the age of 16 and I absolutely love my kids, but it meant that I lost my childhood, education and most of my opportunities in life. I have rebuilt my life now, but I really wish that I had left it until later." That happens to an awful lot of young mums in my constituency.

The second story was told to me by a teacher at Treorchy comprehensive. She was talking to one of the girls in her class, who was by no means stupid—in fact, she was quite clever—but who was having difficulties at home. She did not seem to be trying hard for her GCSEs and the teacher said to her, "Why don't you try a bit harder, because this is really important for your future?", and the girl replied, "Well, miss, there's not much point, because I'm going to get pregnant next year". The teacher asked, "What do you mean you're going to get pregnant next year? You haven't even got a boyfriend", to which the girl replied, "It doesn't really matter who the boy is; I'm going to get pregnant next year." The teacher said to me, "The sad thing is that that is exactly what happened." The girl got pregnant at 16 and left her education before completing her GCSEs.

The third story is about a 15-year-old constituent of mine, who has had her first baby—she is even thinking about having a second—and who said to me, "Well, the thing is I was doing really badly at school. I was being picked on and bullied. All the other girls hated me, and I didn't have any friends. And at home it was miserable." She told me all sorts of things with which I shall not delay the Chamber this morning. She said, "I just thought that if I had a baby, I would have a purpose in life, somebody to love and somebody to love me." She will probably be quite a good mum—she is a lovely young woman. And of course many teenage mums turn out to be fabulous mums, against the odds, and often are so determined and capable that they can rebuild their lives.

None the less, I believe that teenage pregnancy is one of the biggest and most difficult problems facing constituencies such as mine. The map of teenage pregnancy in Britain is the map of poverty and deprivation. Last week, I put together some statistics, which, for the first time, were done by constituency, rather than by local authority. They show that the map is a consistent line of the poorest communities in this country. Britain, as a whole, has a poor record. We have the highest rate of teenage pregnancy in Europe. It is not just slightly higher than other countries—it is five times higher than in Holland, three times higher than in France and double the figure in Germany. In fact, only one country in the world has a higher figure than ours—the United States of America.

Some might say, "Why does that matter? It is always lovely to see a new baby, and with a young mum able to give the child all the care that she can". In truth, it is bad for both the girl and the child. It is more than likely that the girl will never finish her education, get any qualifications or get work, and she is more likely to live a life on benefits and to suffer from significant mental health problems during the early years of her baby's life. As one young boy in the Rhondda told me, "A life on benefits still means that you're poor."

There are problems for the children as well. The baby is likely to weigh much less at birth than those born to more mature girls. As a result, and because teenage mums are less likely to breastfeed, the children are more likely to have medical problems as they go through life. The pressures on teenage mums are such that quite a lot of their children do not end up receiving a full set of vaccinations or the medical support that they need during the first two years of life, which can result in further problems later on. Quite depressingly, a very high percentage of the daughters of teenage mums become teenage mums themselves. As wealth is inherited, so, all too often, is poverty.

Mr. Graham Allen (Nottingham, North) (Lab): As the person who holds the unenviable title of Member for the constituency at the top of the list for teenage pregnancy, I really appreciate my hon. Friend raising this debate and his courage in talking about the problem. He mentioned the intergenerational nature of teenage pregnancy. Does he accept that, marvellous though the work being done for pregnant women and young mums is, early intervention is the key to breaking the intergenerational cycle? For example, is he aware of the work that we are doing in Nottingham to create a change in culture? It aims to ensure that people receive the right pre and post-natal care, as well as intensive health visits. We are also developing the programme on the social and emotional aspects of learning at primary and secondary schools, and ultimately, as part of the early intervention package—

David Taylor (in the Chair): Order. As well as being early, interventions should be brief.

Chris Bryant: Notwithstanding your comments, Mr. Taylor, my hon. Friend was making a very important point about the need for all the different agencies to work together, which has very much been the thrust of the Government's message over the past 10 years. Incidentally, I pay tribute to the Government for having spotted this as a significant issue, and for having sought to bring every measure to bear to tackle it. The difficulty for us is that other countries started to tackle the causes much earlier and were able to cut teenage pregnancy rates dramatically in the 1980s and 1990s. However, it has taken us much longer. We have cut them by 12 per cent. in the past few years, but that is not enough.

Mr. Andrew Turner (Isle of Wight) (Con): It seems that a very mechanical approach is being taken to this serious issue. Would it not be better to involve local groups in order to achieve more successful and relevant results in local communities, rather than adopting a one-size-fits-all approach, which clearly does not work in areas such as the Rhondda and the Isle of Wight?

Chris Bryant: Actually, I think that in some areas we do need to adopt a one-size-fits-all approach, because we should not be sending out mixed messages to young people—a part of the problem that I shall come to a little later. Also, the problem presents itself in different

ways in different communities. For instance, as many youngsters in the Rhondda have pointed out to me, a youngster in Cardiff might find it very easy to access a sexual health advice clinic with anonymity and to buy contraceptives in the local branch of Boots, but in the Rhondda, it is almost certain that the woman behind the counter—it will be a woman—will know their mother. Youngsters are more intimidated in some areas than in others when trying to access contraception. Furthermore, of course, in rural areas advice centres might be so widely dispersed that access is difficult. Local authorities and the various agencies need to work together to find practical and workable solutions.

The Government have rightly pointed out that single people acting as champions on behalf of voluntary and public sector organisations can make a significant difference. Interestingly, in some areas teenage pregnancy rates have risen over the past 10 years—quite dramatically in certain places—but in others they have fallen dramatically. In one area, the figure has risen by 40 per cent., but in several others it has fallen by that much.

Barbara Keeley (Worsley) (Lab): I echo my hon. Friend's comments. The situation that he describes in his constituency applies to some wards in mine. He talks about percentages. Last Friday, I raised this problem with people at Salford primary care trust, who pointed out that the data on teenage pregnancy are two or more years out of date. If a health body adopts measures, it must be an issue. Will he impress on the Minister that, if the Office for National Statistics provided health bodies and others with more up-to-date data, we could observe more readily the trends and whether the action being taken is having a good effect?

Chris Bryant: There are some things on which I want to press the Minister, but that is not one, oddly, because there is a real difficulty in working out the teenage pregnancy rate, which is the most significant issue that we must tackle. The rate must be predicated on the number of live births—obviously, nine months after the pregnancy starts—minus the number of legal abortions. That is how the statistics are worked out, so there will always be some drag on them. The truth is that what happens in any one constituency does not matter, although in the Rhondda in 2006 there were 101 teenage pregnancies, and in Kensington and Chelsea there were just 11, despite more people living in the latter than in the former. The issue is not the absolute figures but the trend, which needs to move much more resolutely downward.

Teenage pregnancy is also a problem because it affects the most vulnerable in society. The most distressing statistic that I came across—I shall not bore Members with many statistics—is that 50 per cent. of teenage girls in care will become a teenage mum either while in care or within 18 months of leaving it. The state already takes care of those people, but they are the most vulnerable. If we cannot put things right with that group of young girls, we will have difficulty with others.

I was interviewed on Friday by ITV, and the journalist's first question was, "What is the nature of the problem?" I told him, and he said, "So, what causes teenage pregnancy?" He then burst into fits of laughter, because he realised the intrinsic problem with his question. However, there are some root causes of teenage pregnancy, and they are where we need to do much of the work. First, in every conversation that I have had with youngsters in my constituency, they have said that their access to high-quality information about sex and relationships—I shall say only that phrase, "sex and relationships", because the issue is not just sex—is minimal. None of the kids to whom I spoke had ever spoken to their parents about sex, which is very different from other countries in Europe, where most children receive their first information about sex and relationships from their parents—the right place.

Secondly, very few of those youngsters in the Rhondda said that they had effective—or, indeed, any—sex and relationship education in school. Some cited the single biology lesson in which they, as they put it, were taught how to put a condom on a cucumber, but none cited anything other than that. Indeed, some of the girls said that, when they had their first period, they did not know what was happening to their body, and that nobody had explained it to them. The situation was reflected in the Ofsted report in England, and in the Estyn report in Wales. Both said that, while there have been improvements in recent years in sex and relationship education, far too many schools still do not do it, do not do it well, are not prepared to do it, refuse to do it, or—more importantly, as many would say—start far too late.

There is no point starting sex and relationship education once youngsters are already having sex, and the truth is that, whether we like it or not, between one third and one quarter of young people in the UK have had their first sexual encounter before their 16th birthday—considerably earlier than in other countries in Europe. All the evidence suggests that good sex and relationship education is not just about the biological facts, but about putting sex in its context of relationships, commitment and personal development, and about giving kids an understanding that they have so much self-worth that they can make a choice for themselves about whether to delay their first sexual encounter, and say to a boyfriend, "No, I don't want to have sex," without the boy running away or the girl being thought of as frigid. All those issues are important, but they will work for youngsters only if education starts early enough—before they engage in sexual activity—and is consistent enough. It should not be just one lesson; one cannot do sex and relationship education in a single lesson.

Mr. Allen: Will my hon. Friend give way?

Chris Bryant: I shall, but my hon. Friend knows that he has to be brief!

Mr. Allen: My hon. Friend says that young people need the mental, social and emotional wherewithal to make the best of sex and relationship education. Does he therefore accept that that wherewithal comes from much earlier in the life cycle than when one is a teenager, or aged 10 or 11—that it starts almost from birth itself, and from proper parenting skills?

Chris Bryant: My hon. Friend is absolutely right. The country in Europe with the lowest teenage pregnancy level is Holland. Which country in Europe starts its sex and relationship education at the youngest age? The answer is Holland. Of course, education must start at an age-appropriate level. One is not going to go into everything at the age of six to 11, but many people say to me that, for a parent, it is difficult to start talking to

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one's child at 13 years old about such matters if one has not started talking to them at seven or eight about why mummy and daddy love one another, and so on.

In Britain, we have tended to fight shy of sex and relationship education. I suspect that the Government will later say, "We think that sex and relationship education is very important; we are training another 2,000 specialist teachers, and we are determined to improve it." However, the truth is that many schools just will not take the issue seriously unless we are prepared to put it on a statutory basis, so that, by the time every young girl gets her first period, she understands what is happening to her body, and so that every young person has all the information that they need to make good choices for themselves, such as delaying their first sexual encounter and not engaging in risky sex.

There are other root causes. Many young people drink a lot of alcohol now, and one worrying statistic is that girls, according to the latest figures, own up to binge-drinking more frequently than boys. All the good intentions that one may have at the beginning of an evening—about not sleeping with somebody, or about sleeping with them only if contraception is used—fly out the window at the end of the evening when everybody is drunk. We must do more to tackle the terrible problem not just of under-age drinking, which might be a couple of pints, but of serious binge-drinking among youngsters. There is also a lack of contraception and good advice for many youngsters in many areas of the country.

Social conservatives must take on board many of the points that I have made so far, but social liberals must take on board what I shall say now. Although it is not true that girls get pregnant to get a flat, because 90 per cent. of teenage mums live in their parents' home or their boyfriend's parents' home, there is evidence of planned teenage pregnancies. The girl to whom I referred earlier was either so careless about whether she got pregnant that she did not mind whether she did, or she wanted to get pregnant because she could envisage a sense of self-worth if she became a teenage mum. That element of teenage pregnancy—especially in areas where there are many teenage mums pushing their babies in buggies down the street, and there seems to be no stigma attached to being a teenage mum—is part of the problem.

We social liberals—I include myself in that group—must recognise that the mixed messages are bewildering for youngsters. There is not only the mixed message of one set of rules for boys and another for girls. There is also the message that when a young girl does not do well in school and has a tough time at home, there is relatively minimal support for her; but the moment that she becomes pregnant, there will be a child psychologist, a local nurse and the doctor. As many girls said when I talked to them in the Rhondda, everybody is suddenly their friend. They go from being the female equivalent of Billy-no-mates—Jenny-no-mates—to everyone in the school suddenly being their friend, because no one wants to appear judgmental. That is part of the difficulty, alongside the fact that television, teenage magazines and pop music all sexualise children at a very young age today.

What should we be doing? The first thing to do is to help parents talk to their children. I am not a parent and probably never will be, but I know from speaking to others that starting to talk to their kids about sex and relationships is a difficult business. All the surveys show that many parents would welcome help and advice. The Government have produced advice online, and other advice packs are available, but in Sweden they send advice to every parent of a 13-year-old, saying, "These are things that you might consider doing: talking about sex, alcohol, drugs, smoking and your own personal lifestyle." That is something that we should consider.

As I said, sex and relationship education needs to be much more comprehensive, and not just biological but about the emotional and perhaps spiritual aspects of sexual relationships. I also believe that, in the end, such education will have to be on a statutory basis, so that every school in the land provides it. Otherwise, it will not happen. We should also ensure that nurses in schools have a direct responsibility for spotting the girls who might be at risk and for counselling them about sex and relationships, so that they have a sense of self-worth.

We need a vibrant youth service in every area of the country, so that there are adult role models for youngsters to talk to about such things in an informal setting. We need to do more about supported housing, because all too often a young girl who needs a council flat will first be told that she can get one only if she is on her own and the boy is not there, so the dads are left out of the equation, which must be crazy. She is then dumped on a manky housing estate where there are a lot of other problems and given floating support such as someone coming to see her twice a week. No wonder such girls have mental health problems when their babies are two, because they do not have the personal resources to cope in such a situation. There should be supported accommodation, in which girls perhaps share cooking facilities, as has been tried in some areas. There should also be academic support, so that they can continue in education, medical support for the children, and an opportunity for the girls to get out to work when they are 18, 19 or 20. That might also help us to change the distressing fact that a large percentage of the teenage girls who become pregnant are already on their second pregnancy.

I have mentioned involving the dads, which is vital. One message that goes out resolutely to young dads is, "We don't want you. We are not interested in you. The state isn't interested in you, the girls aren't interested in you—keep away." That must be a disaster, and we must turn that message around.

Finally, we should help girls to get into work. That is not to say that every teenage mum should be working a full week by the age of 19, which would be crazy. In fact, it is quite probable that many of them should not work 16 hours a week, but if they are to have a chance in life, they need an opportunity to socialise not just with other teenage mums but with people in a work environment and to bring more money into the household. We need to make changes to the benefit system, so that more girls have the opportunity to do mini-jobs—perhaps eight or 10 hours a week—which the system currently penalises.

I know that the Government are doing many of the things that I have suggested, as are local authorities and primary care trusts—or, in Wales, local health boards—but

the picture is patchy. In some areas it is a great success, and in others it is a terrible failure. The truth is that we have cut teenage pregnancy rates by 12 per cent. in the past 10 years, and perhaps we will be able to do more in the next few years, but we really need to fight harder to tackle the problem. The two key things are introducing statutory sex and relationship education in England and Wales and dismantling the mixed messages that effectively say to many young girls that it is a good idea to be a teenage mum.

There are challenges for social liberals and social conservatives alike. I know that there are challenges for social conservatives, because the *Daily Mail* disagrees with nearly everything that I have said. We must be resolute, determined and clear-sighted if we are to make a difference. I have set up the website teenagemums.org.uk, to which thousands of people have logged on, making recommendations, voting on what they think of other recommendations and saying which ideas are good or bad. If we halve teenage pregnancy in the Rhondda through that work and through what the Governments in the Welsh Assembly and here do, we will have done something significant to tackle the poverty and deprivation that has been handed down from generation to generation in my constituency.

11.25 am

Mr. Andrew Turner (Isle of Wight) (Con): I congratulate the hon. Member for Rhondda (Chris Bryant) on securing the debate. I shall keep my comments brief, as I know many Members wish to speak on something that has an impact on every constituency, not just the Isle of Wight. There are more questions than answers, so I shall be glad to have the Minister's view on a number of points that I shall make.

It is imperative that we separate the issues of under-age sex and under-age pregnancy from the more general one of teenage pregnancy. Surely, it is not the role of the state to put a stop to something that is legal. It may prefer to do so, but two people can have sex in their teens and be above the age of consent. It may be unwise, but that is different from being unlawful. Sex under the age of 16 is illegal, and under-age pregnancy stems from under-age sex. That is the matter that must be considered.

Young people need individual help, not group help, at the time when it is right for them, whether at the age of 10, seven or 14, rather than help that will be appropriate for some but not for all. Preferably, that help will be provided to children by their parents, who can give the best advice. Of course, I recognise that sometimes parents are not involved, so a second course is necessary, but I want children and parents to work together first.

Does the Minister believe that the state has a duty to prevent a legal activity just because it may lead to pregnancy in the post-16 years? I suspect that the Government are not considering changing the age of consent, so would it not be better for any strategy to tackle what is illegal—having sex under the age of consent—rather than the different matter of teenage pregnancy? It is interesting to see that the rate of teenage pregnancy, which includes figures both above and below the age of consent, has dropped recently, although it is still high when compared with that of other countries. I hope that we will learn from the Minister how far pregnancy rates have dropped for the above-16s, and, more important, for those in the age group below. Finally, I shall be pleased to hear the Minister tell us what plans exist to tackle under-age sex, which is the all-important issue.

11.29 am

Laura Moffatt (Crawley) (Lab): I am delighted to have an opportunity to contribute to this excellent debate, initiated by my hon. Friend the Member for Rhondda (Chris Bryant). The interest shown in the debate, particularly from Labour Back Benchers, certainly demonstrates how seriously we take the issue.

In a former role, the Minister for the Olympics, my right hon. Friend the Member for Dulwich and West Norwood (Tessa Jowell), once said that the best contraceptive for a young girl in her teens was a good prediction for her GCSE and A-level results. That seems to be a trite statement until we start to understand—as we are beginning to do—the complex nature of teenage pregnancy and what it can lead to. It is a dereliction of our duty as Members of Parliament not to understand that a pregnancy in teenage years is not something that we would want children to embark upon when they have the right choices before them and the right setting to make decent choices for their lives.

Of course the reasons why such pregnancies occur are complex. My hon. Friend the Member for Rhondda told us clearly that there are myriad reasons why a young girl may decide to become pregnant. That does not mean that such a decision has been made in a setting that is either nurturing or provides a sense of aspiration for the future. I utterly understand and respect that situation, and we need to tackle those issues seriously.

Unwanted conception leads to many problems, such as poor baby health and poor maternal emotional health. We have heard how isolation can lead to enormous difficulties and, of course, a poor economic outcome makes it hard to move on and recover from having a baby at such an age. However, it is not impossible to move on and many of us could tell lots of stories about fantastic women who have thrived and survived and gone back to college and done an amazing job for their children. We should not write off those women, but we should think about why they may lack the confidence to say, "I do not want to have sex at this age and I will not do so because I want to do well at school and show everyone that I can earn a living and be independent." That is the situation we want women to be in and that is what we want for the future: self-confident, happy young people who do not feel driven into having sex at an early age, whether before or after 16. If sex is unwanted or not welcome at that time and women feel under pressure, we seriously need to address that situation.

Some adolescents need help in understanding the risks they are taking. They also need to understand their bodies and the way they work. In medieval times, it was acceptable for women to become pregnant at 15 or 16—we all know that happened—because that is when a woman is at her most fertile. Risk taking is much greater at that age and if we do not equip women—and, of course, the other part of the deal, men—with understanding, pregnancy will occur.

We must ensure that we inform younger children of the mechanics of pregnancy. I believe that we are now doing so and that there is no danger in informing

[Laura Moffatt]

children about how sex happens if it is mixed with clear information about relationships, respect and understanding. That is the recipe for excellent sex and relationship education in our schools. I certainly err on the side of compulsory sex education, but there is a quality issue in terms of its provision, which at present is incredibly patchy. I hope that the Minister will tell us how she will ensure that good authorities that are grasping the issue and doing well will share best practice with other authorities that are not doing so well.

In Crawley, we have had success in reducing teenage pregnancy rates and I am delighted. However, that was because the strategy was taken seriously. The constituency of Crawley is the most deprived part of West Sussex, which is a relatively well-off area, and that is reflected in the teenage pregnancy rates in the relevant tables. The focus of the strategy was on areas where most help was needed and it was delivered through the schools that were having the most difficulty and where the numbers of teenage pregnancies were higher than elsewhere. The strategy quickly led to a concerted approach from everyone who was able to provide sex and relationship education and it resulted in a huge reduction—20 per cent.—in teenage pregnancy rates from 1998 to 2005. I congratulate those who took part in that concerted effort, but we must not take our eye off the ball. It is easy to use the money that came with the strategy and the commitment of all those who had the opportunity to assist with it, but it takes concerted hard work to ensure that those figures continue to decrease.

My hon. Friend the Member for Rhondda is right about the role of men and boys in the whole process and it is ludicrous not to include them. If a young girl decides to continue with her pregnancy, she needs all the support we can provide. After all, we want babies to be housed and to ensure that they have a good outcome in their lives. We do not want babies to be hampered or disadvantaged in any way because of their start in life. The work at Broadfield children's centre is amazing. It has a fantastic breastfeeding peer support group where some teenage mums are helping other young mums who decided to continue with their pregnancy to breastfeed their babies to ensure that they have a decent start in life. There is also a father's group where many young fathers come together to discuss what it is like to become a father and how it is not quite the easy path that they thought it would be. There are some excellent examples that show how teenage pregnancy rates can be reduced and how we can support teenage parents.

There are many different ways in which we can tackle the problems, some of which are not immediately apparent. The Education and Inspections Act 2006 makes a commitment that children in foster care can go to the school of the foster parents' choice. Such children will not simply be consigned to a place in an unpopular school, which will help enormously with outcomes for children in foster care. The issue of teenage pregnancy is not just about education; it is about the care, help and advice that children receive—it is not just about health or parents but about all those things.

When preparing for the debate, I looked at the teenage pregnancy strategy review carried out by an independent research team at the London School of Hygiene and Tropical Medicine and it was clear that good practice is truly reaping rewards in some areas. Such good practice gives young girls confidence in their future and enables them to think properly about their choices. I hope the Minister will say that she wants more of that good practice and that she wants that strategy to be embedded in all our communities. With the revival and renewal of the Connexions service, we have a great opportunity to deliver good sex and relationship education. I certainly hope it will flourish in the future.

11.38 am

Kerry McCarthy (Bristol, East) (Lab): I join my hon. Friend the Member for Crawley (Laura Moffatt) in congratulating my hon. Friend the Member for Rhondda (Chris Bryant) on securing the debate. He has already given a good analysis of some of the causes of teenage pregnancy and a clear exposition of what he believes are some of the solutions. I agree that factors such as binge drinking and the early sexualisation of children are increasingly becoming matters of concern. Such factors also make it more difficult for the Government to meet their target of halving teenage pregnancies.

My hon. Friend highlighted the stigma attached to teenage pregnancy, which is a difficult issue. Once somebody is pregnant and decides to go ahead with the pregnancy, it is important that they have support from people within their school or community. In the 1980s, particularly in some of the media, teenage mothers were stigmatised and demonised through stories about them becoming pregnant to get council flats and so on. We obviously do not want to return to such attitudes, but at the same time, there is the issue that my hon. Friend the Member for Rhondda raised about its being acceptable and almost normal—the done thing—for young mothers in some areas, particularly on some of our more deprived estates, to be teenage mothers. There is a tricky balancing act.

I know people who had babies when they were teenagers. They have done a good job bringing up their children—great kids who are now teenagers themselves—and they are doing all that they can to stop them going down the same path as they did, because they know that it was incredibly difficult. Although they brought up decent kids, their lives have been fairly chaotic and they have always struggled to make ends meet. They have taken on jobs and then had to give them up because of child care or relationship issues—often, the relationship with the father of the children causes huge problems in their lives as well—so they know that it is not easy. As I said, they are desperate that their children do not go down the same path.

One of the things that the speakers so far have highlighted is that above all we must address the whole concept of young people's emotional health and well-being. I agree. The Government highlighted that in their 2006 document, "Teenage Pregnancy: Accelerating the Strategy to 2010". We must deal with the development of social and emotional skills, and I shall speak briefly about two projects that aim to do that.

Hengrove school in south Bristol—it is not in my constituency, so I have not had an opportunity to visit it—introduced a lunch-time and after-school drop-in service in September 2005. It is staffed by a school nurse, a child and adolescent mental health worker, a nurse from the Brook advisory clinic, an adviser from

Connexions and a drug and alcohol worker. There were nearly 2,000 visits in the first year, mostly from 14 to 15-year-olds, and about a third of the visits were from boys. A third of the consultations were about sexual health issues. The service is anonymous: it does not ask for pupils' names or record the visit within the system in any way. There are plans to roll the service out to the rest of the city. Projects that start to address the issues before a pregnancy occurs—before it becomes a problem—are really important.

Another Bristol project helps young mothers once they decide to continue with their pregnancy. The Meriton centre, which is a referral unit for young parents, provides education at GCSE level and also some post-16 education for about 75 young girls from the age of 13 upwards. I had the opportunity to visit the centre a few months ago to present awards for qualifications. The centre also offers vocational and personal enrichment courses, and it has an on-site nursery so that the babies can be looked after while the girls are studying.

A debate has been going on for some years about whether it is better to educate teenage mothers in separate referral units or whether they should be kept in mainstream schooling. Dr. Nona Dawson of Bristol university carried out a study in 2003 and concluded that it was better to take young mothers out of mainstream education because of factors such as bullying in class, particularly by boys, difficulties in arranging child care and teachers not taking the girls' aspirations seriously and, in effect, cold-shouldering them. She came to the view that units such as the Meriton centre were a better way of educating teenage mothers.

The Meriton is incredibly successful. It has twice made it on to Ofsted's list of outstanding providers of education. Last year's report stated:

"The Meriton Centre is outstanding in all major respects."

It has an

"outstanding curriculum with extensive links to other organisations",

and it offers

"an exceptionally wide array of courses ... The students ... achievements over very short periods of time are excellent and they all leave with good quality qualifications."

One should bear it in mind that most of those young mothers arrived at their situation because they had more or less dropped out of mainstream school anyway. They would not have achieved good GCSE results, or any GCSE results at all. It takes a while for the Meriton to convince them that it is worth attending, but within six to eight months on average, and despite having given birth in the middle of that period, they achieve qualifications that are broadly average for Bristol.

Chris Bryant: The project that my hon. Friend refers to sounds similar to Books and Babies, which is just outside my constituency but serves it. It is a wonderful project, and I have been impressed by the staff there. They have enormous dedication and, I suppose, personal love, but one of the difficulties is that the services stop when the mother reaches the age of 16. A big difficulty for 16 to 18-year-olds is that it is difficult to get adequate child care facilities at many schools and colleges.

Kerry McCarthy: I am aware that child care is an issue. The Meriton offers post-16 education. It is important that support is offered at least until the age of 18.

Let me briefly give a flavour of what the Meriton is doing. I have been given various reports published by the centre and some of the achievements make inspirational reading. One young girl says that she attended a teaching assistant course—I believe that six young mothers have now qualified as teaching assistants. She wrote that she now has a job in a school and is working with a young boy in year 4 who is mildly autistic. One senses that she feels that she is making a difference to that young boy's life. She has a job that she values, and she feels that she is contributing something.

The Meriton also offers sports leadership courses that involve teaching netball and rounders at primary schools. It has linked up with the university of Bristol law department, where real-life law cases are discussed and the girls are taught to analyse social issues. The centre put on a performance of "The Wizard of Oz"; there are sports activities and it produced a radio show and is helping to build a catering van for the farms for city children project. All sorts of good things are being done—it is not just about getting GCSEs. The centre is also undertaking work to educate other young people about the realities of young parenthood.

There is an organisation in my constituency called the single parent action network—a national organisation that receives a significant amount of lottery funding—which works with older single mothers. Again, the self-esteem they get from being involved in projects, gaining qualifications and receiving hands-on support and life coaching is incredible.

It is a real shame that we are talking about helping people only once they get into difficulties. I believe that my hon. Friend the Member for Crawley referred to that point. We need to look at what organisations such as the Meriton and the SPAN study centre do to build people's aspirations, boost their self-esteem and help them cope with life, to determine whether we can do something to reach young women in particular, but also young boys, whose attitude is incredibly important. We must try to learn those lessons and build them into our school curriculum at a much earlier stage.

11.48 am

Dr. Roberta Blackman-Woods (City of Durham) (Lab): I congratulate my hon. Friend the Member for Rhondda (Chris Bryant) on securing this important and timely debate. I fully endorse his comments and the comments of my hon. Friends the Members for Crawley (Laura Moffatt) and for Bristol, East (Kerry McCarthy).

I acknowledge that County Durham and my constituency, the City of Durham, do not have the worst teenage pregnancy rates in the north-east. The rates are on a downward trend, but I want to contribute to this debate because it is important that we continue to focus efforts on securing greater reductions in the number of teenage pregnancies. The reasons for doing so have already been outlined.

It is worth reminding ourselves that, although teenage parenthood can be a positive experience—we need to note that, and I echo the comments of my hon. Friends about not stigmatising all teenage mothers as bad or failing mothers—we know that the experience frequently brings with it negative consequences for the teenage mothers themselves and their children. Not only are there negative health consequences, including mental

[Dr. Roberta Blackman-Woods]

health problems, but problems with longer-term health outcomes. Teenage mothers are also more likely not to continue with education, to have no qualifications by the age of 33, to be in receipt of benefits, to be on a low income and to experience housing difficulties.

Young fathers, as we have already mentioned, are similarly affected. It is important that, when we talk about teenage mothers, we must remember that there are teenage parents, too, and we need to focus a lot of our attention on young men as well as on young women.

There are negative consequences for children, in terms of low birth weight and higher mortality. There are lower breastfeeding rates among the group about which we are talking. There is also a higher risk of poverty, poor housing and poor nutrition, and, significantly, a greater likelihood of the children of teenage parents becoming teenage parents themselves. Clearly, we should stop that cycle, if at all possible.

Figures for my area have been reducing ahead of the local target and a great deal of credit for that has to go to the local tackling teenage pregnancy partnership board. Hon. Members have already explained that, if this multifaceted issue is to be tackled, a number of agencies, as well as parents, will need to respond. The local partnership board in Durham includes the primary care trust, Connexions and bodies dealing with health, housing, education, youth and community services and the voluntary sector, which specifically target this issue. The board is overseeing a strategy that concentrates on the key issues, including sex and relationship counselling—it puts those two things together—and that approach is being rolled out in respect of sex education in all the schools. However, the work does not take place only in schools. Schools are important and a key point of contact for the group that we are talking about, but so are other settings, such as doctors' surgeries or youth projects.

There is also a strong focus on building self-esteem in both the young men and the young women who fall into the at-risk groups. There is huge evidence that, where young people's self-esteem and aspirations are raised, teenage pregnancy rates are reduced dramatically. There is also better support, both for teenage mothers—it is important that they are supported—and those in the high-risk groups. Looked-after children have been defined as a significantly at-risk group, and there is a specific project focusing on young people in care and working with young women in care to try to reduce teenage pregnancy rates. Ongoing consultation is carried out with young people in the area involved. Because all the agencies have bought into the partnership board, they have made it a priority, in all their work, to reduce teenage pregnancy rates. Clearly, this has to happen if there are to be successful outcomes locally.

I pay tribute to the work of children's services in County Durham and the way in which that department has worked with the PCT to bring effective children's centres into the city. Three new children's centres have been established in the past year and another two are planned. These centres are important, because they are a local focus, not only for work with teenage mothers, but for work with the at-risk group. They operate early intervention programmes, through Sure Start, and they have a worker who reaches out to the high-risk groups, including young men. That work is having a certain degree of success locally. Health visitors based in the children's centres are working with young mothers and fathers and encouraging the groups involved to talk more widely in the community, not necessarily about the disbenefits of the situation that they are in, but about what hard work it is to bring up children, particularly in limited material circumstances where there is a high level of poverty.

All the agencies involved agree that the main task is to sustain the downward trend and they agree that that is the biggest challenge, because a group of people remain almost stubbornly resistant to any efforts made to try to reduce pregnancy rates. However, we have to consider further what needs to be done to tackle the problem with that group. I should like to link that thought with some of the discussions that we were having yesterday about extending apprenticeships and vocational education. Those at greatest risk of teenage pregnancy are disengaged from education at an early age and they feel, as my hon. Friend the Member for Rhondda outlined graphically, that there is nothing for them and no other future for them except to go down the route of having a child who will love them and who they can love back, giving a meaning to their lives.

We have to raise aspirations and, if we are to do so with the group involved, we have to engage them in education and training in a way that we have not done previously. That means ensuring that those who already have a young child or are pregnant do not leave education and that various packages are worked around their needs, with flexible education, training and part-time employment available, or support through the benefits system, allowing them to continue their training.

We want to prevent that group from becoming teenage parents in the first instance and that means having education that means something to them. Rolling out apprenticeships is important and so are the diplomas for 14 to 19-year-olds. We need to offer wider-ranging education and support packages for those who are seen to be failing at an early stage. We also need much more investment in young people's services, so that those involved are better connected locally, because although young people can get support sometimes, it is not clear where they should go in the first instance. There needs to be a clear point of contact for all young people, so that they can get a wide range of support services when they need them.

I echo the comments made by my hon. Friends. We live in a society that is sexualising young people very early and in which it seems easy for lap-dancing clubs to get licences, but difficult to stop them from being licensed. We need to broaden our focus on teenage pregnancy and look at some of the wider societal issues. However, we should not stop focusing on the specific issues that affect young people. We need all the policies that we can put in place to raise aspirations and keep our young people in education for as long as possible.

11.58 am

Annette Brooke (Mid-Dorset and North Poole) (LD): I, too, congratulate the hon. Member for Rhondda (Chris Bryant). This has been an interesting debate and I have not heard anything in hon. Members' speeches that I disagree with.

The United Kingdom had the highest level of teenage pregnancy in western Europe in 1998 and, as far as there are up-to-date comparable statistics, we are still in the same position. However, the Government have to be praised for having the first teenage pregnancy strategy, which is attempting to co-ordinate and tackle both the causes and the consequences of teenage pregnancy. Teenage conception rates have fallen to their lowest level for 20 years. This morning, we have heard about some excellent projects, but—there is a big "but"—back in February 2007, the Office for National Statistics issued figures on teenage conception rates in England for 2005, which showed very little improvement on the previous year, and even a rise in the number of under-16s becoming pregnant.

The big question for the Minister is whether the strategy's targets will be achieved. They are to halve the under-18 conception rate by 2010; to get a downward trend in the under-16 rate; to increase the proportion of teenage parents in education, training or employment by 60 per cent. by 2010; and to reduce their risk of long-term social exclusion. There must be general agreement that progress towards those targets must accelerate.

It is interesting to note the variations between local authorities, and it makes sense for the Government to work with what might be perceived to be the worst-performing local authorities in terms of targets, because it is sensible to share good practice, but there must obviously be respect for the particular needs of local communities. I remember the figures for my area being announced in 1998 and the feeling of great shock at the figures for the whole of Dorset because, unexpectedly, they were relatively high.

Much work has been undertaken in my area, and Bournemouth and Poole primary care trust has made steady progress in reducing under-18 conception rates. I asked the PCT what were its most effective measures. The first was outreach work to target young people at risk—for example, women with chaotic lifestyles, looked-after children and known sex workers. The second was condom distribution in particular settings, such as youth centres and Connexions centres, and—I emphasise this—where a trained professional was on hand. An additional measure was working with a group of local pharmacists who issue morning-after pills. They have been trained by the PCT, and do follow-up work and monitoring. If the user gives permission, they can be referred to a specialist nurse.

Chris Bryant: In my constituency, if the morning-after pill is obtained from a chemist rather than a family planning clinic, it costs £23.80, and for many young girls that is simply not an option. A scheme has been introduced whereby the chemist provides the pill free and the cost is refunded. Would the hon. Lady like that scheme to be extended more widely?

Annette Brooke: We must face up to the problem. The idea of the morning-after pill is unpalatable to many people in the wide world, but when we hear about binge drinking and its consequences, we must find practical solutions as well as changing the long-term situation. Local tots-to-teens programmes are rather good in changing or influencing attitudes.

The Government have identified key factors for reducing teenage pregnancy. For example, the active engagement of all the key mainstream delivery partners is important, as are a strong senior champion, effective sexual health advice services and the prioritisation of sex and relationships education. The Minister will not be surprised that I want to home in on that point for a few moments, because I have taken every opportunity since coming to the House to raise the subject of compulsory sex and relationships education, which must be appropriate for the age group and for both males and females. That is really important, especially relationships education.

In a survey of 20,000 teenagers conducted by the UK Youth Parliament, more than half rated the teaching of sex education in school as poor, very poor or merely average, while only a quarter said that it was good. Furthermore, nearly half of those questioned said that they had never been taught about the effects of teenage pregnancy and would not know where to find their local sexual health clinic. The survey also revealed that 55 per cent. of all 12 to 15-year-olds and 57 per cent. of girls aged between 16 and 17 had not been taught how to use a condom. Of all those who took part in the survey, 43 per cent. said that they had not been taught about personal, social relationships at school. We should also note the rise in sexually transmitted diseases. The study by the Government's teenage pregnancy unit cited poor sex and relationships education as a reason for high levels of teenage pregnancy in general.

Not so long ago, Davina McCall hosted a television programme in which she went to Holland with teenagers and teachers to look at what happens there. Sex and relationships education was very up front, and we know that it has not led to rising teenage conception rates. The Minister was interviewed for that programme, and I hope that she will be more positive about considering whether to make that important subject compulsory.

Another reason for arguing that such education should be compulsory is my concern about child abuse. If a seven-year-old is being abused at home or within the family, how can they know what is normal behaviour unless they are taught that at school? It is vital that such education is undertaken by qualified professionals and I agree with the Government that it must be of high quality. Currently, we are not equipping young people to make health decisions about their lives. We must offer them better opportunities, so that education must be compulsory, but it is important that relationships and parenting, as well as sex education, are included. Only then can we hope to support young people effectively.

I agree that parents need support in talking to their children, and that point also came out in the television programme. That has always been a focus of mine, for a number of reasons. However, a multi-faceted approach, as well as education, is important. We know that we must have action because of the poorer outcomes that teenage parents and their children experience, and we have heard about that clearly this morning. When considering the factors for our high teenage pregnancy rate, we see the early alienation from school and education. We must ask why. Are girls being offered the right sort of courses, and do we still have gender stereotypes? I recently met a young girl with the YWCA. She said that, at school, she had wanted to do car mechanics, but she was laughed at. That is still happening now. She is now settled with her two-year-old, and she has started her car mechanics course, but why could that not have been available at school? It was what she wanted to do.

[Annette Brooke]

I agree with the many hon. Members who have said that having a child when a teenager can be a positive experience, and we must work towards that. Teenage mothers who have a positive experience may have an extended family or a positive partner relationship and they may be in employment or are supported in education. That is what we must aim for. On the other hand, we must think about those teenage mothers who end up receiving means-tested benefits, being locked into the system, and not having any qualifications or incentive to take up extra hours' work. We must be clear that teenage pregnancy accompanies social exclusion, but does not need to cause it, and that much more can be done.

I want to highlight one or two points that the YWCA has made. It identified the excellent care-to-learn scheme, which supports teenage parents in work, but it is worried about the age at which the support is cut off. A teenage mother may not necessarily get her act together and be back in education by the age of 20. It may take longer, so why cannot the care-to-learn scheme be extended?

Similarly, when supporting young people into work, child care is all important. The Education and Skills Bill will present many challenges, but the role of teenage mothers must be considered. Given that they will be among the cohort, it may be more appropriate for them to re-enter education or training at a slightly older age, and I hope that flexibility to enable that will be built in.

12.10 pm

Mrs. Maria Miller (Basingstoke) (Con): I congratulate the hon. Member for Rhondda (Chris Bryant) on securing this debate. It has given us the opportunity to hear a number of thoughtful and compelling speeches from hon. Members on both sides of the House. The hon. Gentleman painted a powerful picture when he related the first-hand experiences of some of his constituents. He mentioned the sense of lost opportunities that they had when they became mothers at a very early age. He may or may not know that I was brought up very close to his constituency and I know, first hand, the challenges faced by those tight-knit communities in the south Wales valleys.

The hon. Gentleman also referred to the correlation between the map of poverty and deprivation and the one of teenage pregnancy. He quite rightly said that the two echo each other, but I urge him to consider the aberrations that exist. Some would suggest that pockets of teenage pregnancy problems exist in all constituencies throughout the country, and that is something that we should remember. The hon. Gentleman drew on his experience with tight-knit communities and talked about the importance of having a consistent message delivered in the most appropriate way to yield the best results for people locally.

My hon. Friend the Member for Isle of Wight (Mr. Turner) reiterated the point that individual support is needed to reflect the community in which these young people live. Whether we are talking about a tight-knit community in the south Wales valleys, or a different type of community in the Isle of Wight, each has its own needs. It is important that we deliver solutions that reflect the needs of the children and the parents in those areas.

The hon. Member for Crawley (Laura Moffatt) talked about the importance of the aspirations of young women. I could not agree more with her point. I am sure that she is aware of the YWCA campaign, which stresses the importance of careers advice for young people. The hon. Members for Bristol, East (Kerry McCarthy) and for City of Durham (Dr. Blackman-Woods) both picked up on the importance of supporting young parents, and ensuring that they do not accept that teenage pregnancy is a social norm. That particular point was made very powerfully by the hon. Member for Bristol, East. The hon. Member for City of Durham talked about the importance of involving fathers at an early stage.

The Government clearly have a strong commitment to cutting teenage pregnancies. Their 10-year strategy started in 1999 and they have spent more than £250 million on trying to halve conception rates. Therefore, there is clearly no shortage of ambition from the Government in this area, which is critical in determining the life chances of young people in this country. Yet in the six years between 1999 and 2005, and after a lion's share of expenditure going into this area, we have seen the conception rate among the under-18s fall by just over 11 per cent. That is devastatingly little progress given the Government's commitment to reduce the inequalities that exist in the country and to give young people the best start in life. The stark facts remain that we have one of the highest rates of teenage pregnancy in western Europe, with more than 20 girls a day becoming pregnant in this country. While we welcome the modest progress that has been made, the Government surely should be looking to change their approach to enable them to reach their target. I will echo the question that was asked by the hon. Member for Mid-Dorset and North Poole (Annette Brooke). Do the Government feel that their target is achievable?

I will turn now to two areas that we have not touched on in the debate. I know that the Minister has looked in detail at the growing crisis in sexual health among teenagers. Last year, the UNICEF report showed that too many young people are sexually active too young. In the report, four out of 10 15-year-olds said that they had had sexual intercourse. The figures from the Office for National Statistics confirmed that one in three 16 to 19-year-olds does not use any form of contraception. Little wonder that we are not seeing much progress on the pregnancy rates and that we are seeing an alarming growth in sexually transmitted infections among teenagers. The Health Protection Agency's figures show that the incidence of herpes has grown 13 per cent. among 16 to 19-year-olds. The diagnoses of genital warts have also grown among this group.

Abortion is another issue that is worth considering. I know it is a highly charged topic among hon. Members. When one looks at the figures, a trend emerges that is of concern. Abortion now seems to be used more regularly among a specific group of women. I am interested to hear what the Minister has to say about that. Despite a 16 per cent. fall in conceptions among under-18-year-olds, we have seen an increase in abortions. Even more worrying is the 40 per cent. increase in second abortions. Perhaps the Minister can outline the Government's response to that problem and tell us what plans there are to tackle it. There are no Department of Health guidelines for abortion clinics or other organisations to provide contraception services immediately following an abortion.

Perhaps that void could be filled and constructive advice offered to that group of women.

Despite the very well thought through 10-year plan and the significant expenditure, why are the Government so wide of the mark? Perhaps it is because the Government have found it hard to deliver on their policy beyond increased access to contraception, which we all know is only part of the answer. As my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) noted, when the noble Lord Darzi in the other place announced the Government's pilot scheme that allowed pharmacists to offer the contraceptive pill over the counter, any such proposals need to be subject not only to professional advice but more effective sexual health education. We must encourage young people to take more responsibility for the decisions that they take about their relationships, sexual intercourse and contraception otherwise we will not see the results that we all want to see.

In 2006, the Minister identified sex and relationship education in schools as the key to lowering under-18 conception rates, particularly as school is a primary source of information for young boys. Yet the Youth Parliament's research, which the hon. Member for Mid-Dorset and North Poole has gone through, shows that there is still a woeful shortfall in what is being delivered on the ground.

The Government launched the teenage pregnancy unit as an integral part of delivering such vital education. Yet the unit's staffing level has been cut from 16 people to three-and-a-half people. Is the Minister convinced that that will give her the effective support that she needs in this important area? Sex needs to be put into the context of relationships and emotional development, as the the hon. Member for Rhondda pointed out in his report. To be successful in cutting teenage pregnancy, improving the understanding of contraception needs to go hand in hand with an ethos that builds up the confidence of young people to see that early parenthood is not the only way to adulthood. Parents and schools have a critical role to play in working with our young people to establish that confidence and ethos and ensure that more young children can go forward and have successful lives. I congratulate the hon. Gentleman again on securing this debate and hope that his contribution to his party's efforts will help to improve the situation.

12.19 pm

The Minister for Children, Young People and Families (Beverley Hughes): I add my congratulations to my hon. Friend the Member for Rhondda (Chris Bryant) on his article and on securing the debate. Indeed, I congratulate all hon. Members on the thoughtful and committed contributions that they made on a very important subject.

My hon. Friend and my hon. Friend the Member for City of Durham (Dr. Blackman-Woods) and others were right to point to the consequences of teenage pregnancy. I might say to the hon. Member for Isle of Wight (Mr. Turner) that that is why the Government are so concerned not only about under-16s but about over-16s if they become pregnant. Clearly, it is right to be concerned about the very vulnerable young people under 16, and we are, but some of the disadvantageous consequences also apply to young people aged 16 to 18 and can affect them for the rest of their lives, so it is right that the Government are taking a lead across the board.

Many of my hon. Friends and the hon. Members for Mid-Dorset and North Poole (Annette Brooke) and for Basingstoke (Mrs. Miller) outlined some of the consequences, with which we are all familiar. The infant mortality rate for children born to teenage mothers is 60 per cent. higher; the rate of smoking is three times as high; teenage mothers are much less likely to breastfeed; and the rate of post-natal depression, which my hon. Friend the Member for City of Durham mentioned, is three times as high. That is not to mention the legacy of low expectations, wasted talent and, often, very poor prospects for the babies. Clearly, that is not the case for every girl, but generally those are the consequences.

That is why we need to focus both on cutting the rates of teenage pregnancy across the board and on supporting those who do get pregnant in ways that do not encourage teenagers to accept the idea of pregnancy as a career choice. We need to do that for a very practical reason as well: 20 per cent. of teenage pregnancies are second or subsequent pregnancies, so there is a real prevention imperative in focusing on young people when they get pregnant. Those principles have been at the core of what we are trying to do. That involves effective prevention—including early intervention, which was mentioned by my hon. Friend the Member for Nottingham, North (Mr. Allen), who could not stay for the end of the debate—as well as targeted support for those who get pregnant, including the fathers of those children.

Nationally, the rates have been coming down. They are not coming down as fast as I would like. None the less, we have to put the issue in context. Hon. Members compared Britain with other European countries. The fact is that this country has had higher rates of teenage pregnancy for the past 30 or 40 years. Before 1997—for the 25 years before that—there was very little difference between us and most other European countries, but during the 1980s and 1990s, those countries focused on this problem, so they have had 30 years of dealing with it. We have had only 10 years of a Government who have made that a priority. None the less, I am not complacent, because I think that it is a very important topic.

Nationally, there has been progress: 80 per cent. of local authorities areas are seeing a reduction, because they have had a national strategy that we want them to apply to their local areas. It is not a one-size-fits-all approach, but we do need them to take the resources and the intelligence and learning that we have given them and apply that locally. If all local authorities were performing at the level of the top 25 per cent., we would have doubled the reduction nationally and would be well on our way to the 2010 target. There is no magic bullet at local level, despite views expressed on both sides of this Chamber. We need to get local areas to drive this action as hard in every place as they are doing in the best. I am talking about a strong national strategy delivered locally, by local authorities, primary care trusts, schools and voluntary organisations together.

What that strategy has been designed to do is, first, encourage parental engagement. All the research that we have done says that young people prefer to get their advice from their parents, and the evidence shows that, when they do, they start getting involved in sexual activity later, and when they become sexually active, they are much more responsible about protection and contraception and they have much more self-respect

[Beverley Hughes]

and respect for others. That is about engaging parents through the time to talk initiative and the helpline and about schools enabling parents, and we will want to consider some of the ideas mooted today.

Secondly, as hon. Members have said, schools must take a lead. That is where young people are every day. I expect schools to take the lead in garnering consensus among parents and governing bodies that sex and relationship education in schools should be taught to a high level. We know that it is not everywhere, although we have heard excellent examples and I have seen excellent examples of schools that are making creative strides forward. We know that provision is patchy. That is why we have initiated, in the first instance, a review about how we can make delivery of such education more secure and ensure that it is of much higher quality and is delivered more consistently across the piece.

Chris Bryant: It is good that the Government are reviewing sex and relationship education—incidentally, I hope that the same will happen in Wales—but will the review allow for putting it on a statutory basis?

Beverley Hughes: That is not a primary focus of the review but, as my hon. Friend knows, we are doing the review very much in conjunction with young people; the Youth Parliament was mentioned. The issue raised by my hon. Friend is not the primary focus. The review is about delivery and quality as a first step forward, but I am sure that we will be asked to consider that and we will have to consider what people say.

Nationally, we have had a number of very effective awareness campaigns, with which hon. Members may be familiar. Indeed, they have been so good that they have won awards. The campaigns called "Are you thinking" and "Want Respect? Use a condom" for older teenagers have been based on three messages. The first is delay, delay, delay, particularly for younger young people. Secondly, when young people do become sexually active, they should use protection and contraception. The third is respect yourself and respect others. Those are important cornerstones.

Youth workers and social workers are also important. The areas that have been most effective have shown that where workers across the piece feel comfortable talking to young people about sex, that is more effective. The next element is access to health services and contraception, including in schools if that is appropriate; they make that choice. Another element is addressing underlying factors such as alcohol, poverty and low aspirations—all the issues that hon. Members raised. A further element is support for teenage mothers, and not only through specialist provision. My hon. Friend the Member for Crawley (Laura Moffatt) mentioned children's centres and there is support for teenage fathers there.

That is the national strategy, but it depends entirely on effective delivery at local level. Where the best local authorities are doing well, they are doing spectacularly well. People can look in any region at the variation in performance. The under-18 conception rate in Barking and Dagenham is up 18 per cent.; in Hackney it is down 26 per cent. In Tameside it is up 11 per cent.; in Oldham it is down 27 per cent. In Torbay it is up 10 per cent.; in Poole it is down 23 per cent. I could go on. Some of the most deprived areas have achieved some of the most dramatic reductions: the rate is 21 per cent. down in Newham, 30 per cent. down in Thurrock and 24 per cent. down in Darlington.

Let me say where I perhaps do not agree with my hon. Friend the Member for Rhondda. He did not say this today, but he said in his written piece that he feels that reducing teenage pregnancy is an intractable problem. The evidence from the local authorities that I mentioned tells us that it is not an intractable problem and that, if we can garner senior championship from directors of children's services, chief executives of PCTs, schools and parents, we can make tremendous inroads into the problem locally. It is a question of people using the national strategy to drive progress in their area.

That strategy is making progress. It is patchy. We need to up the pace if we are to meet the 2010 targets, but, as I said, if all local authorities were performing at the standard of the best 25 per cent., we would be on our way there. There is no doubt that, apart from any other, moral imperative, the investment that we have made in reducing teenage pregnancy is cost-effective, because for every £1 spent, we are saving money further down the line in terms of consequences. Because all local areas need to grasp the challenge, I will publish again today the rates for local areas throughout the country, by region, so that hon. Members and people in those local areas can compare the best and the worst performing local authorities and, I hope, bring their support to bear to get those local authorities that could do better actually to do better and help us to make more rapid progress.

Disabled Adults (Employment)

12.29 pm

John Barrett (Edinburgh, West) (LD): I am glad to have secured the debate and to see the Minister of State here on behalf of the Government. I hope to push this important issue higher up the agenda, as there are, sadly, many issues still to be dealt with, many statistics that expose the scale of the problem and many talented and able individuals who are unable to make the contribution to society of which they are capable.

Before I go into details about the United Kingdom, it is worth spending a few minutes discussing how life is for people elsewhere in the world who have the same problems but often lack the support that exists in the UK. We must never forget that in many countries, disabilities end the working lives and careers of many people. Their employment prospects disappear when often avoidable problems take their toll. Many adults suffer from lost limbs because of land mines and cluster bombs, and many others lose their sight through preventable illnesses such as river blindness. Having seen at first hand the results of such problems elsewhere in the world, I have been left with a stronger determination than ever that we can offer something much better in this country for those who are fighting for a fair deal, often on several fronts.

Last week, I attended a reception organised by the hon. Member for Glasgow, North-West (John Robertson), and was moved by the experience of an individual who described graphically what it was like to lose his sight and how it affected his employment. I wish the hon. Gentleman well in presenting his 10-minute Bill on employment retention later today.

Leonard Cheshire recently produced a report, "Disability Poverty in the UK", containing many statistics showing the scale of the problem. I do not have time to go into them all today, so I will simply advise people to read the report. It looks particularly at poverty and disability, but there is one section on employment.

Employment is often the glue that holds life together. It provides income to maintain a certain standard of living and, for many people, a social structure, and it results in improved health and well-being. People in employment contribute not only to the Treasury, through taxes, but to society through their work. Why then do we have an employment rate among disabled people of about 50 per cent. and rising? There are several reasons, many of which I shall address today. I hope that the Minister will reassure the House that the tide can be turned, because there is a growing problem.

Many children with disabilities now live longer, which means that in the future, for all the right reasons, there will be an increase in the number of adults with disabilities who want to enter the work force. We must be as ready as possible to remove many of the barriers that exist today.

Barnardo's at Caern house in my constituency works with children with disabilities and last Friday, I saw at first hand that excellent work. Those children need to know that they have a future in the workplace as valued members of society. I congratulate employers such as the Royal Bank of Scotland on their generous support to Caern house, and I hope that they will continue to show such interest throughout the working life of those children, who will look to major employers for a future as valued members of their work forces. Why is it that some employers will go as far as eastern Europe to fill a vacancy but are reluctant to interview someone in a wheelchair? How many work forces would be more understanding of the disability issues of their colleagues and friends if they could break down those barriers?

The first issue on which I want to press the Minister is the scale of the problem. Will he monitor progress annually on a number of key indicators of disability poverty in relation to employment, such as the employment rate among disabled people, broken down by impairment group? Will he monitor the percentage of disabled people of working age who are in work; not in work, but looking for work; and not in work and not looking for work? For those in work, will he monitor what they are paid in comparison with non-disabled people? Such information is at the heart of ensuring that we can monitor what progress is being made and work out how to increase the rate of progress. One place to start is in Departments, which ought to be beacons of best practice, but sadly that is not the case. Even the Department of Work and Pensions has a staff base of only slightly more than 5 per cent. disabled people, compared with 13 per cent. in the work force in general.

Before we can have any meaningful debate on the issue, we must deal with the inference that disabled people are unemployed because they do not want to work. That simply is not true. Disabled people are twice as likely to be out of work compared with non-disabled people, but those who are out of work are far more likely to want to work than non-disabled people. Neither is it always true that disabled people cannot work. Certain disabilities will rule out certain jobs, but the majority of people with disabilities have a great deal to offer, and it is up to employers and the Government to play their part in ensuring that society benefits from those skills.

The new deal for disabled people, the extensions to the Disability Discrimination Act 1995, pathways to work and access to work programmes have all gone some way towards achieving those aims. I very much hope that the Welfare Reform Act 2007 will encourage the adoption of more flexible responses to those who are building up slowly to returning to work on a regular basis. Such people could be encouraged to volunteer, without having to risk their benefits. I welcome the recent consultation on improving the specialist employment support available to those with disabilities, and I look forward to feeding into that process. However, I am sure the Minister will accept that, despite those initiatives, much more must be done to remove barriers and raise expectations among employers and employees of what disabled people can achieve in the workplace.

I am sure that I was not alone in being disturbed by the rhetoric of the Conservative party's announcements on welfare to work, particularly the simplistic and headline-grabbing pledge about reassessing all incapacity benefit claimants. Whether that was mere posturing remains to be seen, but it would be a significant backward step to abandon the growing consensus on the need for support and training and instead lurch towards compulsion and sanctions. To take such an approach would be to misunderstand that often the barriers preventing disabled

[John Barrett]

people from working are social in nature and require action from the Government and employers as well as from individuals.

The pathways to work proposals have been a key method of helping disabled people move into work. There is now a consensus, which I fully support, on the advantages of using private and voluntary sector providers in this area, provided that we have clearly defined objectives with stable contracts and funding. At the moment, many of the most successful employment programmes are run outside Jobcentre Plus, and it makes perfect sense to bring together best practice in the voluntary and private sectors and attempt to roll out similar schemes nationwide. However, we should not forget that it has proven difficult to transplant services that have worked well on a private or voluntary basis into the social services.

A key reason for the success of many voluntary and private schemes is that staff do not have the power to stop benefit payments if claimants say the wrong thing. Programme participants can therefore develop much more open, honest and productive relationships with advisers. The problem with Jobcentre Plus is that it plays the role of gatekeeper to benefits access, as well as the role of supporting people into employment. I draw the Minister's attention to the Australian system, which has successfully separated the Government's role as purchaser and regulator of services from their role as direct providers through public sector organisations. That approach has significantly improved outcomes. I look forward to hearing the Minister's views on it.

We need to remove not only the barriers preventing disabled people from working and believing that they can contribute, but the barriers—both real and imagined—that employers still have about the cost of employing a disabled person. That is one crucial area in which employers can and should act, not just because of their responsibilities under the Disability Discrimination Act, but because there is a pool of talent out there waiting to be used. More than a third of UK businesses have hard-to-fill vacancies, but 3.4 million disabled people are out of work and at least 1.5 million part-time disabled workers work below their skills potential, as detailed graphically in the Leonard Cheshire report. It does not take a mathematician to see that there is potential to improve matters.

Support for disabled people to enter the job market is crucial, but it makes far more sense, socially and economically, to retain people in their current job if they develop a disability and to provide employers and employees with proper support to negotiate the necessary transitions. Will the Minister comment on the recent claim by the Employers' Forum on Disability that 9 per cent. of employers may be breaking disability law by failing to make reasonable adjustments to the workplace to keep disabled people in employment?

A major job is to improve awareness of the access to work scheme—currently one of the Government's best kept secrets. That is both praise and criticism: the scheme does a lot of good work, but there is a real lack of awareness among employers of its existence—about 80 per cent. of small and medium enterprise employers are not aware of it. For every person currently helped through access to work, there is, according to the Government's figures, a £1,400 net benefit to the Exchequer, and a £3,000 net benefit to the economy. However, helping disabled people into work should not be about saving money. We have a moral obligation to spend any savings on supporting disabled people who, for whatever reason, cannot work. They are too often condemned to a life of low aspirations and even poverty.

On employment retention, I commend the work of the hon. Member for Glasgow, North-West. I hope his Bill will go some way to help the 25,000 people who leave their employment because of illness or disability each year. On that point, what does the Minister think about introducing a right to rehabilitation leave? I suggest that taking time off work to learn to deal with a disability is a "reasonable adjustment", as required by the Disability Discrimination Act 2005. Formalising that as an entitlement to rehabilitation leave, allowing both the employer and employee to adjust to the disability, and making adjustments to allow people to remain in work, would make things clearer and simpler.

Although we all rightly emphasise the financial, health and social benefits of work, it is important to stress that forcing disabled people into bad jobs is not the name of the game. A revolving door to demotivating jobs at the bottom of the labour market is not the right answer to increasing labour market participation. The high rates of people who take part in the new deal for disabled people twice or more suggest that is currently not the case; disabled people are more likely to be in low-paid or part-time work and are paid less than non-disabled people on average. For the mantra "Work is the best route out of poverty" to be true, we need to ensure that the work is sustainable, suitable and decently paid. On that point, I would appreciate an update on the "In work, better off" consultation process.

We need to move away from the rather patronising inference that we do disabled people a favour when we legislate on such matters, because removing the barriers that currently prevent disabled people from finding or remaining in work is a duty of employers and Government. However, more than that, we need to refocus the way that we see the debate. By getting more disabled people into meaningful long-term work, we will all benefit—society, the Exchequer and the individual. If we are serious about tackling the ignorance and prejudice that many people still have about disability, by far the best thing that we could do is to allow more disabled people the opportunity to show what they can do in the workplace. If more workplaces better reflect society as a whole, and if we ensure that we provide conditions that will bring out the most from each individual, we would do more to address the problems of ignorance than any initiative or guideline from Whitehall.

I saw that at first hand in my own constituency when I visited the Remploy factory, where a group of people do an excellent job producing high-tech goods that compete on the open market. People with a wide range of disabilities work together. They make a contribution to society and the economy to benefit both themselves and everyone around them. It was a joy to visit the factory to see those people at work. I congratulate the Government on what they have done, and I hope that the Minister can take things forward, keep the issue high on the agenda and ensure that the talent out there is used to benefit both the individuals concerned and society at large.

12.44 am

The Minister of State, Department for Work and Pensions (Mr. Stephen Timms): I congratulate the hon. Member for Edinburgh, West (John Barrett) on securing this important debate. I thank him for giving me the chance to make my first speech in my new role. I agree with much of what he said, including what he said at the end of his speech about the benefits that further progress could bring to our economy and society.

I am grateful to the hon. Gentleman for what he said about the Government's record. Since 1997, we have delivered the biggest extension of disability civil rights that the UK has seen. Our vision for disabled people and our strategy to address the problem of continuing inequality were set out in the Prime Minister's strategy unit report, "Improving the Life Chances of Disabled People", which was published in early 2005. We made a commitment in that report that

"by 2025, disabled people should have the same opportunities and choices as non-disabled people",

and that they should

"be respected and included as equal members of society".

We have made some important progress since then. We established an office for disability issues, which reports to the Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Stirling (Mrs. McGuire). It will drive forward a cross-Government strategy and provide a source of knowledge and expertise on disability. The office is currently leading a major cross-Government review of independent living. In its annual report last month, it said that, by the time of its next annual report, it expects be able to say that the Government have ratified the UN convention on disability rights, which we initially signed in April last year. In addition to the ODI, we have established Equality 2025, which is a new advisory group that brings the voice of disabled people into the heart of Government.

The Disability Discrimination Act 2005 signalled a cultural shift within Government and the wider public sector and, in particular, introduced the new disability equality duty, which came into force in December 2006. The duty places a statutory obligation on all public bodies, including local authorities, to promote equality of opportunity for disabled people and to tackle discrimination.

The hon. Gentleman drew attention to data about my Department's performance on the employment of people with disabilities, which was fair. The figures he mentioned may, to some degree, undercount the accurate position, but he made an important point: my Department and the Government need to do much more and to go much further than we have been able to do so far. We are on the right road, but we have much further to go. We all have a great deal to do before we will be able to say that disabled people have true equality in the labour market and that they are in a position to participate fully in society.

I agree about some of the key issues that the hon. Gentleman highlighted. We believe that work is a right. For too long, far too many disabled people have been written off as incapable of work and consigned as a result to a life on benefit. That is bad for them and bad for the economy. We need to change social attitudes, remove the barriers that have been placed in the way of disabled people and improve the employment-based support available to them. I recognise that the current wave of change can be unsettling for some, and we need to be sensitive to that. However, we need change so that we can deliver better opportunities for disabled people, which includes enabling them to move into work.

There has been good progress. The employment rate for disabled people has increased by a full 10 per cent. The hon. Gentleman said that it is about 50 per cent.—48 per cent. for the third quarter of last year is the most recent figure that I have seen. In spring 1998, it was 38 per cent., so there has been a big jump, which is very encouraging progress. The number of disabled people in work has also risen, from 1.8 million in spring 1998 to 2.8 million, which is the latest figure. That mainly reflects the higher employment rate, but it also reflects the amount of self-reported disability in the work force. If disabled people had the same employment rate as the population as a whole, another 1.5 million disabled people would be in work, which would be good for them, good for the economy and good for everybody. We must all share that ambition—certainly, the hon. Gentleman and I share it.

Opening up employment opportunities for disabled people lies at the heart of our policy. It is a critical test of how far society is breaking down barriers to social exclusion. In the Green Paper "In work, better off: next steps to full employment", published in July 2007, which was mentioned by the hon. Gentleman, we set out specific measures that we need to take to achieve our long-term aims. They include achieving an overall employment rate of 80 per cent. and the eradication of child poverty. We also need to extend the opportunity for employment to all, including disabled people, if we are to achieve those aims.

The Welfare Reform Act 2007 embodies our approach to helping more people on incapacity benefit to realise their ambition of a return to work and our conviction that disabled people and people with long-term health conditions have a right to work and to the support and opportunities that will enable them to exercise that right. That is critical to our programme for providing opportunity for all.

The hon. Gentleman asked whether rehabilitation leave could be seen as a reasonable adjustment under the Disability Discrimination Act 1995. I think that it could. Indeed, rehabilitation leave is given as an example of a reasonable adjustment in the code of practice published by the former Disability Rights Commission. Of course it would depend on the circumstances, but as the commission pointed out, it certainly can be a reasonable adjustment.

Just as we needed to reform the framework of disability rights, so we need to reform the benefit system to reflect our more modern aspirations. From October this year, the employment and support allowance will replace incapacity benefits for new customers. Instead of focusing on what people cannot do, the new benefit will focus on what they can do and how they can be supported to do it. The revised gateway test for the benefit—the work capability assessment—will assess a person's capacity and, taking into account the other barriers that the person may face, will help to identify interventions that would support a return to work.

As the hon. Gentleman said, the pathways to work scheme has dramatically decreased the number of people taking up incapacity benefit, who as a result are able to return to work more quickly. We will invest £1 billion in that programme over the next three years so that

[Mr. Stephen Timms]

interventions will be available to as many people as possible, including support to help them manage impairments or health conditions.

We are also looking at new and innovative ways of delivering our services. For example, when I was last a Minister in the DWP a couple of years ago, we started placing Jobcentre Plus advisers in GP surgeries, through the pilot for our pathways advisory service. That initiative proved popular and has been well received by patients and GPs. The advisers have been supporting GPs or offering advice to their patients and, when appropriate, referring them to our wider range of provision. The pilots were on a small scale, but some strong local partnerships have been established. I am pleased to say that we are extending the pilots so that we can learn as much as possible and make the most of that new way of working. That point chimes well with the ten-minute Bill to which the hon. Gentleman referred, and which is promoted by my hon. Friend the Member for Glasgow, North-West (John Robertson) and will be debated in the House this afternoon. The Bill would ensure that, if people encountered disability or ill health, their chances of staying in work would be maximised and they would not needlessly have to leave their jobs.

Our wide variety of specialist disability employment services has opened up work options for many disabled people across the country. We have seen people develop their skills and confidence in open employment and in supported businesses. However, we need to go further still if we are to have a better, more consistent quality of service, and a clearer focus on the individual needs of every disabled person, recognising that there is a great variety of circumstances in which people need help. We are looking at how better to join up our services with those provided by others, including local authorities, and to improve the way in which our disabled customers can move from social services and education and to seek work that is appropriate to their interests and skills.

We launched a public consultation last month, outlining our proposals for improvements to our specialist disability employment services, and it will run until 10 March. I am pleased to hear that the hon. Gentleman will be responding to that consultation, and I hope that he will urge his constituents, including the organisations in his constituency to which he referred, and those of his colleagues who have an interest in the employment needs of disabled people, to consider and respond to the consultation.

We need to carry employers with us. The hon. Gentleman was right to say that they have a significant opportunity, because they are able to recruit from a large and diverse pool of possible staff. We should ensure that they can recruit from as wide a pool as possible, and not inadvertently limit the potential of their organisations by failing to tap into some of the potential of that pool of talent. Many businesses already employ disabled people and have good policies to support that work, and they are reaping the rewards.

However, research published by my Department last year highlighted the fact that although employer awareness of the Disability Discrimination Act 1995 and employer attitudes towards tackling discrimination have both improved over the past few years, there is still a long way to go. I agree with the hon. Gentleman about that. We cannot simply hope that employers will change their perceptions of disability. We need to engage with employers and to support them. We need to work with them to open up more job opportunities to disabled people, and at the same time ensure that disabled people have the right support and the skills needed to apply for suitable jobs, to be successful in their applications and to be able subsequently to stay in those jobs. That will be a key focus of our future activities; for example, through our cross-Government health, work and well-being strategy and my Department's EmployAbility campaign, we are working to engage employers, to explain the costs and benefits and to provide practical help to assist them in supporting their staff.

It is true that employers do not always understand the requirements placed upon them—the hon. Gentleman referred to data from the Employers' Forum on Disability showing that employers do not always understand the needs of their customers or the support that might best help their employees to stay in work. We are committed to helping to improve that understanding and the support that is offered. Such support does not have to be difficult or expensive to introduce; it is often about making simple changes to workplace patterns and management practices rather than costly specialist equipment.

A practical example of our work with employers is the new jobs pledge, which aims to help 250,000 people currently on benefit to move into jobs through the new local employment partnerships. The Prime Minister, speaking yesterday at a major conference with employers at the Queen Elizabeth II conference centre over the road, reported on progress with those partnerships. More than 400 firms have now signed up for them, and negotiations are under way with a further 500.

I spoke yesterday to a number of employers, who were very positive about the help that they were receiving from Jobcentre Plus under the new partnership arrangements. I had the opportunity to sign a new partnership agreement with the chief executive of the fast-growing airline Flybe. I hope that many more partnership agreements will be put in place and that disabled people will be among those who benefit from the opportunities that result. We are building on the findings of the Leitch report on skills, working with the Department for Innovation, Universities and Skills and the Learning and Skills Council, both of which were involved in yesterday's conference, to make the ambitions set out in that report at a reality.

The hon. Gentleman asked how we were getting on with the "In work, better off" programme. He will be aware that we have conducted a consultation on that topic, and I refer him to the document "Ready to Work", our response to the consultation, which was published in December. We are also consulting on the future of our specialist disability programme.

I am grateful to the hon. Gentleman for giving me this early chance to set out our progress and our aims, which he shares. I welcome his interest in the subject, and I look forward to the opportunity to debate it further with him and others over the months ahead. I hope that I have made clear to the hon. Gentleman and to the House my commitment and the Government's to equality for disabled people and to providing the employment support that they need and deserve, and to which they should rightly be entitled.

Alcohol Services and Rehabilitation Centres

1 pm

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): It is always a delight, Mr. Marshall, to sit under your chairmanship, because, with your great experience and understanding, you know how important it is that Members of Parliament get the opportunity to raise individual but important questions in Westminster Hall.

On 8 March 1736, Mr. Pulteney rose to his feet in the House of Commons to speak against Sir Joseph Jekyll's motion for a duty of 20 shillings per gallon to be laid on all spirituous liquors. He said:

"I believe it will be admitted by every Gentleman, that the constant and excessive Use of spirituous Liquors among the inferior Rank of our People, is a Practice which has of late Years grown to a monstrous Height, and it will be as generally and as readily admitted, that this Practice is dangerous and mischievous to the Health, Strength, Peace, and Morals of the People; and that it tends greatly to diminishing the Labour and Industry of his Majesty's Subjects; therefore I believe we shall all agree in this, that some Method ought to be taken for putting a Stop to this Practice...The Distilling Trade is a Business which has been carried on by Royal Authority for about an hundred Years, and that it has been not only highly approved, but very much encouraged by several Acts of Parliament passed since the Revolution...There is not now an Inn, an Alehouse, or a Coffeehouse in the Kingdom, but what owes a great Part of its Profits to the Retail of such Liquors: By which Means there are now such Multitudes of Families in the Kingdom who owe their chief, if not their only Support to the distilling, or to the retailing such Liquors, that they very well deserve the Care and the Consideration of a British House of Commons."

In other words, not a great deal has changed and the liquor industry still has an extraordinary powerful lobby in the House of Commons.

Some time ago, the Cheshire coroner, who is a most caring and considerate man, became so concerned by the rise in alcohol deaths within the county that he commented publicly. He made it very clear that, in his view, the doubling of deaths from alcohol, particularly among women, was not only a public health matter of great concern but something that should concern us all. He linked that doubling of deaths specifically to the numbers of cases that he was being required to deal with among young people, as well as among those who might be said to have reached the age where their abuse of themselves was somehow inevitable. Not only should his views be taken extraordinarily seriously but we ought to think about the impact of what we have been doing in this area.

Addiction is never easy to deal with. When I was a young and impressionable doctor's wife, I had a rather sad feeling that, if one gave people support, that support would automatically lead to their ceasing to be addicted to particular substances, and of course alcohol is even more addictive than some drugs. However, the reality is, of course, that those who need a particular support or crutch and have become wholly dependent on alcohol need a lot more than encouragement. They need specialist services and consistent support in their homes, and then, over a period of time, if they are lucky, they will hit that moment when they can at least be weaned away to the point where they are no longer destroying themselves. That is not an easy moment to find, but it will never be found if, as a nation, we are not capable of producing those support services that are absolutely essential.

We accept that we have a very real problem with drugs and the Government not only discuss that problem quite consistently and openly but seek, with great vigour, to make it plain to the general public what the implications of drug addiction are. However, somehow or other—I believe that it perhaps began with my generation—alcohol is not regarded in the same way as a deadly poison.

Please do not misunderstand me; I like a drink. I like good wines, good brandies and good whiskies, although they do not always like me. Perhaps the advantage of living long enough is that one's constitution begins to deal with things that one's brain ought to have dealt with but has not.

However, the reality nowadays is that people not only routinely drink much more heavily than people did when I was young but they indulge in specific, targeted and I would have thought enormously boring bouts of binge drinking. One no longer needs to look too harshly at what is going on in Crewe and Nantwich to wonder about the changing social ethos and habits of people. It is almost impossible to walk from my office to the station in Crewe without passing 50 bars and pubs and they are all, of course, open for many more hours than they were originally.

One of my constituents came to me because, very sadly, she had lost a dearly loved son in a very sad set of circumstances; his death was due, of course, to alcohol abuse. He was young and she felt, rightly, that if there had been support services at the moment that he desperately needed them, he would have had at least a fighting chance of surviving. She then began to ask me what we were doing about the coroner's remarks; what attitude the Government were taking to the provision of support services, and what was happening in my local health services. After all, the Government will not escape responsibility; if the Government are responsible for lowering the taxes on alcohol and for making it easier for people to drink, they must also seriously consider the downside of those policies.

How much are we spending in the education services for young people to encourage them to understand the damage and the very real destruction that alcohol can bring to individual families? How many beds are available, for use by consultant psychiatrists and by others within the hospital service who are specifically trying to deal with alcohol as a problem? Is it possible to admit people from accident and emergency departments into particular beds?

In parentheses, I would say that it is not just in Crewe and Nantwich that we have this problem. While dealing with someone in the London system within the last 12 months, I was told that the advice that he was given—in this case, it was from a consultant physician—was, "If you have sufficient money, admit yourself to this private unit, because there is no mental health or alcohol service available within the London region." I must say that I would not admit a dog that I was fond of into the private unit that that doctor recommended, so I have very grave reservations about whether we are dealing with this problem on the best possible basis.

In Crewe and Nantwich, we have, with the agreement of the local county council and the local health services, very specialised assistance. It is, of course, provided on a voluntary basis. Central Cheshire Alcohol Services derives its money both from the local county council, which is soon to be dissolved, and from the health

[Mrs. Gwyneth Dunwoody]

service partnerships. Because of the Cheshire and Wirral Partnership NHS Trust, there are two nurses who are paid directly by the trust but who are managed on a day-to-day basis by the charity.

Those nurses cover a very large area and they have a lot of experience of providing support services. They also try very hard to work in partnership with the health service, the local authorities and the third sector organisations. However, the rise in the number of referrals to them paints a very alarming picture. In 1991-92, they had 182 referrals; that rose by 2003 to 590 referrals; it rose further in subsequent years, first to 687, then 807, and by 2006-07, the number of referrals had risen to 905. Furthermore, those referrals are just the smallest percentage of the cases that the nurses have to deal with.

It is clear that the demand for services totally outweighs the resources. There are 70-plus people on the Central Cheshire Alcohol Services waiting list for support. Although the organisation receives uplift money from the health service, there has even been some debate about whether it should still have access to the same number of beds.

There is clear evidence that binge drinking is on the increase, but there is no consistent education programme in the schools in my area. Furthermore, the mental health issues created by alcohol mean that mental health services are constantly being called on, but they will intervene only if the client has a severe and enduring mental health problem. Yet, alcoholism can result in real mental problems.

There appear to be no national targets for alcohol, and nor does there appear to consistent funding to support such targets. What is more, the Government have made it easy to access cheap alcohol. In Crewe and Nantwich, there are now many superstores where it is easy to buy not only beer and spirits, but any kind of alcohol, no matter how damaging it is. We are told that the supermarkets do their best to monitor trade, but only last week, a gang of youths, including several small children as young as 10, endeavoured to knock down the back door of my constituency office—luckily, it is made of steel—and all of them were drinking vast amounts of alcohol. Whatever safeguards we have in place, therefore, they are clearly not working.

Staffing numbers have not kept pace with the demand for services, and large numbers of volunteers are being used. When I raised the issue of alcohol services with the PCT, it was concerned. It has just opened a health centre in the middle of Crewe, so it is aware of the need to respond with all sorts of services. However, when people say, for example, that an alcohol liaison service is available in accident and emergency, we have to ask what it is doing. Does it have the right routinely to refer people to beds after triage? Does it accept that people have a long-term problem and will need specific detoxification and residential provision? Is such provision available? Have we looked at the need for services or at the commitment of the various partners to address alcohol harm across Cheshire? Are we convinced that services are co-ordinated? Unless there is a specific, targeted and well-understood commitment to provide highly specialised services, we shall allow large numbers of people to destroy themselves without having attempted to rescue them when that was still possible.

This is not a new problem, as the House of Commons record shows, and nor is it not understood. There is a powerful drinks lobby in this country, which has persuaded this Government and previous Governments that the extension of licensing laws and the availability of cheap alcohol are not only acceptable, but that they are the way forward, if we are not to be overtaken by events. The industry spends a fortune on advertising its wares, so it is aware of the need to recruit more drinkers.

Above all, the industry has created problems in many of our small towns and cities on Friday and Saturday nights, when groups of people—they are not only young people—inevitably become involved in all sorts of public disorder. We are familiar with the sight of young girls and young men who are virtually insensible. There are constant problems for the police, and there are the difficulties faced by those who want to use their town centres without experiencing the atmosphere created by drinking. Many of my constituents experience problems simply because of the general disorder that drinking creates, and that should not be acceptable in this day and age.

I am not saying that we should nanny people or organise their lives, but we must accept that the cost to this country's economy and social ease and the effect on the quality of our constituents' lives is largely determined by social problems to which we have contributed. We desperately need to accept—certainly in my area—that more money must be spent on alcohol services and that more problems must be confronted. Above all, Her Majesty's Government must take responsibility. There is a direct link between the decisions taken by the House of Commons on fiscal and national health service matters and on the provision of services and what happens on the Crewe road on a Friday night. However, I know that this very intelligent and helpful Minister is going to say that she will solve some of those problems for me immediately.

1.16 pm

The Minister of State, Department of Health (Dawn Primarolo): I wish that I could give such absolute commitments to my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody). However, let me congratulate her on securing this important debate.

I want first to look at what is happening locally and to set that in the context of regional and national plans. I also want to look at each of the levels that my hon. Friend rightly identified: discouraging excessive drinking and ensuring that services are available in the community, that interventions take place to discourage drinking where it occurs and that the appropriate treatment is available in the complex and often tragic cases that my hon. Friend mentioned.

I am aware that Her Majesty's coroner for Cheshire has raised concerns about the number of cases with which he has dealt involving alcoholic liver disease or alcohol as the primary cause of death. His experience contributed to his critical view of the services being provided, and he urged Cheshire county council to ensure that there was appropriate funding.

It might be helpful if I quickly describe the services that exist and say what will happen next, before moving on to the wider issues. Services based in the community receive referrals from GPs and others, and staff see clients at the service or in the client's home, depending on the circumstances.

The care pathway is delivered in several different ways: through information provided in GP practices, by Turning Point, to which I think that my hon. Friend referred, in the custody suites used by the probation service and in hospital wards. Identifying problem drinkers and where brief interventions should take place is a comprehensive way of tackling the issue. As my hon. Friend said, however, we also need hospital-based intensive care or an appropriate parallel residential setting.

All of that was in place, but since the coroner's letter, the PCT has been working to identify additional resources, and those include another £100,000 for this financial year and £250,000 for next year. Before the coroner's intervention, the PCT had a contract for in-patient beds with providers. As I said, we need to ensure that the right balance is struck and that people have access to both the community service and residential provision, because we need a complete care pathway and complete support, where that is necessary.

The PCT must consider, and is considering, the number of beds that it needs and where the appropriate care should be provided. Evidence shows that community detox is more effective under certain circumstances, but that when other related medical complications are involved, and needs are far more complex, residential care supported by community services is necessary. The PCT is taking forward its budget and local delivery plans, including through local area agreements, which will address wider activities, such as work with schools and young people, in appropriate locations, as my hon. Friend mentioned. It should continue to invest more money in this problem.

A few of the questions that my hon. Friend raised remain unanswered, particularly those on the interaction with accident and emergency admissions of people needing those beds. I have asked the regional director of public health to look into, and report back to me on, that matter specifically, the relevance of which extends beyond the problem before us today. I shall be happy to share that information with my hon. Friend when I receive it.

We would all agree that a variety of support services must be available across the board. My hon. Friend touched on the unfortunate increase in the number of health complications and deaths, many of which are preventable, resulting from alcohol consumption. We must look very carefully at the interaction between community care services and support and, increasingly, at such treatment and rehabilitation in a care setting. I admit that the level of service provision does not meet these emerging and complex needs, not only in her area, but elsewhere.

Let us consider more widely what we can do about the direct transmission belt, so to speak, that my hon. Friend mentioned, from strategic health authorities back to central Government. The NHS in the north-west undertook a stocktake of alcohol services and is now working with local primary care trusts to find ways of taking forward some very positive plans for tackling alcohol harm. The report confirmed that excess consumption of alcohol has a major impact on the lives of those in the north-west and identified a reduction in the number of deaths in the region caused by alcohol as a very high priority. However, it also found that PCTs in the region felt that there was a culture of excessive drinking, which created major barriers to addressing the health problems caused by alcohol.

The Government office for the north-west and the Department of Health are working together through local area agreements and through local alcohol strategies, which are a priority for the NHS. They will continue to build on and develop local partnerships and to prioritise action at all levels, to encourage those who enjoy a drink to drink sensibly and those who feel that their drinking is becoming hazardous or harmful to seek help. If possible, that will be done in a community setting, but of course the acute treatment of complex cases should be dealt with in rehabilitation centres.

Mrs. Dunwoody: Has anyone calculated the cost of such provision to the NHS—not only of the straightforward services, but as a result of attacks on staff and the effects on accident and emergency departments?

Dawn Primarolo: I do not have a figure to hand. However, my hon. Friend is absolutely right; over the course of people's lives, the cost of excessive alcohol consumption is huge, whether as a result of higher hospital admission rates, alcohol-related crime, absence from work, school exclusions of young people consuming alcohol—regrettably—teenage pregnancies or road traffic accidents. In fact, I have just been handed the figure: the approximate cost to the NHS is £1.72 billion. That is truly phenomenal.

Regrettably, my hon. Friend's views are well-founded. At 23 per cent., the north-west has the second highest level of binge drinkers in England; more people in the north-west die from alcohol-related illnesses than anywhere else in the country, and it has the second-highest number of alcohol-related hospital stays. There is no doubt that excessive alcohol consumption contributes to poor quality of life, shortens many lives and results in huge costs to families and communities, and eventually to the economy and the NHS.

To understand the breadth of the problem, the Government undertook an alcohol needs assessment research project—the first ever assessment of specialist alcohol treatment in England and of what needs to be done to improve available treatment. As a result of that study, the Department intends to monitor every year the availability of services in each PCT and to look specifically at collecting information for the first time on the specialist treatment that needs to be provided. That will begin on 1 April 2008.

What do we need to do here in Westminster? Although the collection of information, the commissioning of services and the investment of money are important steps, it will take time to turn the problem around. It has been a long time in the making. However, the Government are taking a number of other steps. The joint public service agreement target with the Home Office will address the more complex and wider problems associated with excessive alcohol consumption and interventions at that level. Furthermore, a new education campaign will start in the spring aimed particularly at encouraging young people to drink more sensibly.

Last week, the Department announced that an independent review is to be carried out of the relationship of alcohol pricing and promotion in off-licences, supermarkets, pubs and clubs to alcohol consumption and harm. I hope that the review's finding will be received from the experts in July of this year, at which point we will assess the need for action, including

[Dawn Primarolo]

regulatory change. We have agreements with the alcohol industry on the labelling of alcohol products, particularly in regard to health advice. In addition, the Prime Minister has made it clear that he is reconsidering the 24-hour licensing laws, which have been operating for number of years now, and evidence of whether they are connected to the problems that we are discussing.

Locally, a great deal is being done with extra investment, examining the issues that my hon. Friend has raised, and I shall be happy to discuss further developments. The strategic health authority will keep an eye on the situation and ensure that not only in her primary care trust, but in others, matters are taken forward. The Government are taking the necessary steps to get proper advice to people.

Military Operations (Information)

1.30 pm

Ann Winterton (Congleton) (Con): It is good to see you in the Chair this afternoon, Mr. Marshall. It has taken some time to secure this debate about the release of military information, which I believe is an important subject not just for the military, but for others, including the family and friends of people serving overseas. We have heard much comment in the media over the past few months about how the military and their tremendous achievements in both Iraq and Afghanistan need to be appreciated by people in the United Kingdom. I question whether the military do enough to encourage that situation, and the purpose of the debate is to highlight the fact that they could do more and do it better. That point has been accepted none the less, and as a result, parades and receptions have been held to welcome back troops from active service overseas. We must never underestimate the contribution that they have made, and continue to make, in some of the toughest fighting since the second world war. My admiration for our troops is boundless, and I am relieved that the UK can still attract the calibre of young people who, with appropriate training and experience, are every bit as good as their forefathers.

However, the world has changed considerably and the shots are now called by a media that do not necessarily give a fair and accurate summary of what is happening in the field. Competing priorities and competition from other news stories can drive accurate reporting of operations off the front pages and television, but, using the Musa Qaleh operation as the basis for this debate, the only competition for news during that period was the missing person presumed dead for five years following a canoeing incident on the north-east coast—someone who was subsequently discovered to be very much alive.

A great opportunity was lost by the military to capture the imagination of the public, and it was lost under the camouflage of NATO, ISAF—the international security assistance force—the Afghan army and operational security. Although media information would have had to be shared with those organisations, none of them has any interest in, or responsibility for, the reaction of the British people to the battle of Musa Qaleh. Although the powers that be quite naturally wanted to promote the Afghan national army and the Afghan Government, the Ministry of Defence should have had as its priority the promotion of news to the British public, not least because it is important for the recruitment and retention of personnel in our armed services.

The families of serving personnel in Afghanistan, who had an obvious interest in developments, had to resort to foreign media and even to the Taliban for progress reports during the Musa Qaleh operation. The only information on the MOD website was an 82-word news article published on Friday 7 December 2007, which was replaced by another short article of 139 words the following day. It was left to newspapers to provide adequate coverage. For example, Rupert Hamer, the *Sunday Mirror* correspondent, gave details about what was happening in Musa Qaleh while accompanying the British Brigade Reconnaissance Force. At this point, I offer my condolences following the deaths of Jack Sadler and Darryl Gardiner and the injuries incurred by the reconnaissance force.

That event could prove to be the turning point in the whole Afghanistan war. There was a long build-up to the taking of Musa Qaleh and most knew that it was happening—certainly the Taliban did. When the important flow of news is deliberately hidden behind the excuse of operational security, the Army pays a high price in the loss of good public relations. However, sensibly handled news, which would also have been picked up by the Taliban, could have been used to the advantage of the allies as it has so often been before. Just as the military operation for Musa Qaleh was meticulously planned and executed, so should have been the public relations exercise. The news of the steady push up the Sangin valley by British and Afghan forces could have been fed to the media, together with appropriate photographs, rather than the few outdated ones that were used. The purpose of the operation, the importance of the strategy, the breaking of the Taliban's hold on the drugs trade and the sheer intensity of the battle, which took place over the weekend of 7, 8 and 9 December 2007 could have been explained.

The flow of good material, backed by photographs and video footage, could have dominated the British media for several days, sending out a very clear message about the achievements of the military. Instead, we had a complete public relations disaster in so far as a valuable opportunity was lost, very little material was available and virtually an information vacuum followed. However, we know that British forces are still harrying the Taliban, holding and rebuilding positions that have been taken to make it more difficult for the insurgents to re-group in the spring, and the complete lack of sympathetic coverage is not the way for the military to gain the enthusiastic backing of the British people.

If the Minister replies that the reason for the void is operational security, I shall feel like screaming, because I do not accept it. The situation was caused by a total failure of the military and the MOD to understand the power and importance of good public relations in informing the public about what was happening. It is as important to take the British people along with us, as it is to win the battle on the ground, because if that is not achieved, the calls for withdrawing from military action could escalate, with the result that recruitment and retention become ever more difficult.

In a further article, which was published on 23 December 2007, Rupert Hamer wrote:

"The reason they"

the Brigade Reconnaissance Force—

are so busy is that the Taliban, through a network of informers the soldiers call 'dickers', monitor their every move."

The Taliban know exactly what is happening: they have mobile phones to get information, and they use them in the same way as the foreign press, which, for example, phoned residents in Musa Qaleh to find out what was happening on the ground. "Operational security" appears to have been used damagingly against our own side in that case, rather than against the enemy.

What can be done about the utter failure to use public relations to the UK's advantage? When operating in a joint force, such as NATO, ISAF, the Afghan national army or any other, it should be made clear from the outset that if British forces are to take part, the British should handle the dissemination of news and the public relations agenda, and not rely, as happened recently, on other organisations to make the running. If British forces are to be used anywhere in the world, the moral obligation to keep the British people informed should be fulfilled, and that obligation should form part of our covenant with the military.

It is important to give the maintenance of good public relations a prominent role at all levels of training. Officers need to understand that it is vital to win the hearts and minds of the public—particularly commanders in the field who are responsible for making the decision to release information to the media. All pre-deployment training should include public relations training, because it is almost as important to inform the public as it is to win the battle.

However, the strategy cannot work unless a thorough overhaul of the chain of command is undertaken to decide how best material can be released, because I suspect that, as in all large organisations, there are blockages. The Ministry should be at the forefront of the release of news material; it should not lag days behind, or be dictated to and led by other media sources. Recent events have proved that the MOD is not at the forefront of reporting the activities and successes of our forces. In the case of Musa Qaleh, publicity could have been prepared in advance alongside the excellent military planning and successful execution. The superb co-operation between allied forces and the brilliant performance of the military went almost unrecognised because the British people were not told the full facts about what had been achieved, for the simple reason that the release of media information was never an integral part of the overall planning.

With the relatively small military force that the United Kingdom now has, it should be possible to know where every man and woman comes from, not just where they are based. Very few local newspapers follow the progress of service personnel originating from their area, because little information is given to them, yet local media, including newspapers, radio and television, command a greater circulation and coverage than the national media. There are so many exciting things going on in the military that a string of inspiring news stories about local people could go out to local communities. That would be a low-cost way of getting across the message about our armed services, and it would give youngsters an incentive to seek such a career. Too often, the only military story found in the local media is when someone is killed or injured.

The MOD should be the driving force of media coverage, and its website should be at the forefront at all times. I realise that that would put out of joint the noses of a few media outlets, because they rely on exclusives, but many have their own reporters and photographers embedded with our forces and get more detailed, precise and personal exclusive stories from them. In an operation such as Musa Qaleh, the MOD could have held briefing sessions supported by its website. The simple fact is that news that should have come directly from the military did not. I doubt whether the MOD ever got it in the first place.

It is no good the military moaning about a lack of public support when they do not go out of their way to inform the public. They have material in abundance, and not just about war-fighting, which they could provide to the news media. They cannot blame anyone but themselves for the failure to get the message over to the nation as a whole. I appreciate the fact that running any news outlet, whether a website or a blog, is not easy. To be effective, one has to update it continually, be ahead

[Ann Winterton]

of the game and understand and promote the flow of stories. Some of the regimental sites are often out of date, but the MOD, given the authority to get on with the job and with a small, dedicated team, could be a pathfinder and lead by example. With the right will and determination, it could be done.

A written parliamentary reply on 18 December stated that the Ministry of Defence directorate of public relations comprised 69 personnel. I cannot work out why the smallest service, the Royal Navy, has the most, but there must be a reason. Perhaps the Minister will be able to tell me what it is.

I hope that the Minister, the military and the MOD will take the debate seriously and set about reorganising the whole operation of news coverage, the release of news to the media and the monitoring of coverage. The motivation for the effort is to benefit the military, of whom we are all immensely proud. If undertaken well, the project would assist all our armed services.

There is much good will for our serving Army, Navy and Air Force personnel, which must never be taken for granted. Would not the parades of returning servicemen and women have meant even more to the public if their operational tour had been well covered in the local press throughout their deployment? The purpose of insurgency, which the UK is trying to counter, with great difficulty, particularly in Afghanistan, is not only to take control of an area but to undermine those who oppose it and to destroy support for foreign troops in their home territory. The calls for withdrawal then intensify, but the best way to counter them is to have established an excellent narrative and communication with the British people, who support the armed services for their professional and unselfish service on behalf of our country and its people.

1.45 pm

The Minister for the Armed Forces (Mr. Bob Ainsworth): I congratulate the hon. Member for Congleton (Ann Winterton) on securing the debate, and I thank her for what she said. I agree with some of what she said, but not all—I have my earplugs ready—and I do not agree with some of the conclusions that she drew. I hope that I might be able to persuade her to my view at least partly. The matter is complex and important, and it has an impact on our operational effectiveness and force protection, so I welcome the opportunity to respond on a subject to which, you will not be surprised to hear, Mr. Marshall, I attach the utmost seriousness.

Before I respond to the specific points raised in the debate, I am sure that those present will wish me to pay tribute to the professional, dedicated and courageous men and women of armed forces, serving in Iraq and Afghanistan among other operational theatres.

We face a complex dilemma in handling information on live operations. We are often faced with trying to manage two generally conflicting pressures. First, we have a responsibility to the public and, even more importantly, to the families of our service personnel, to keep them as fully informed as possible about the activities of our armed forces. The public have a right to know what our armed forces are doing in their name, and there is a proper expectation that there should be sensible debate about and scrutiny of our armed forces' activities.

Ann Winterton: Will the Minister give way?

Mr. Ainsworth: I shall give way to the hon. Lady later, if she will allow me to put a few things on the record first.

We manifestly cannot seek to control what the media report, nor should we. A free press is a vital organ of democracy, and as such we should and do seek to engage proactively with the media. First and foremost, for the reasons already mentioned, that is the correct thing to do. Moreover, it represents operational pragmatism. Our enemies certainly put their side of the story; regularly it is deliberately slanted or falsified, but it is a story none the less. There is a risk that, in the absence of proper facts, such propaganda becomes established public perception, which is manifestly not in our interests.

Patrick Mercer (Newark) (Con): Will the Minister give way?

Mr. Ainsworth: I shall give way to the hon. Gentleman later.

The second pressure is our overriding responsibility to protect operational security. We ask much of our armed services personnel and put them in positions of threat, danger and pressure, and I am simply not prepared to countenance anything that might exacerbate those risks. The premature release of information heralding our intentions or activity on current operations amounts to precisely that.

There is no simple template that we can use to get the balance right. Often it is highly situationally dependent. For example, on occasions it is right to make public in advance details of an operation. That might be necessary to ensure that civilians have an opportunity to move away from areas of military activity, thereby minimising the risk of civilian casualties. Equally, surprise is a key principle of military operations, acting as a force multiplier and providing considerable force protection, and it can be critical to success. Achieving it is difficult and necessitates a much more restrictive information release policy. Such a policy cannot, of course, prevent ill-informed media speculation and rumour-mongering, but we cannot advocate the sacrifice of operational security on the altar of bad journalism. The hon. Lady said that our top priority should be the promotion of news to the British public. I do not underplay that, but our top priority, despite the fact that it makes her want to scream, has to be operational security.

Ann Winterton: May I confirm that I did not say it should be the top priority? Of course, it should not be the top priority. I said that if one knew someone fighting in the battle of Musa Qaleh, for example, one would not get any information on the MOD website that had not already been put out in the local press directly from correspondence in the field. One might not know what was happening from the MOD website or from the military in any way, but might know it from elsewhere. If the MOD and the military put out the facts—if they drove a news agenda that suited them—it would benefit operational security and would certainly benefit those at home who are concerned.

Mr. Ainsworth: If I misheard the hon. Lady, I apologise. She did say, however, that the Taliban knew "exactly" what we were planning to do.

Ann Winterton: I said—

Mr. Ainsworth: That is what the hon. Lady said. The only word that she said that I have difficulty with is "exactly". The Taliban did not know exactly what we were going to do. This issue needs to be judged on the outcomes. In the Musa Qaleh situation, the Taliban were well bedded into a civilian area and were aware that an attack was imminent. They paraded themselves in front of the world's media, saying that they were up for it, ready for it and capable of defending the situation. The outcome was, tragically, that we had two British casualties—but only two—and low numbers of casualties within the Afghan army and among civilians. Then, in front of the world's media, whether they cared to report it or not, the Taliban fled. I cannot get my head around how anyone can say that that operation, taken in the round, was not a success.

Patrick Mercer: First, may I apologise for my late arrival? I absolutely take the points that my hon. Friend has made. I pay tribute to the gallantry and leadership of Brigadier Andy Mackay and the 52 Infantry Brigade in the seizure of Musa Qaleh, and I deeply regret the deaths and casualties that came with that. The brigadier's counter-insurgency strategy is clear. He is no fool and he makes it obvious that G5 and the communication of operational intent to the enemy are key tools in his armoury. That outstanding brigadier has been let down badly at MOD level, and I should like to know why there is no single service chief in charge of public relations, as there used to be.

Mr. Ainsworth: How we structure ourselves is an issue for debate, as it has been in the past and will be in the future, but I refer the hon. Gentleman to the points that I have made about our overall first priority in this case. The outcome is clear for all to see. I want our armed forces to have the opportunity to let the British public know exactly what they are doing on the public's behalf and what their capabilities are, but that has to be put into context. Operational considerations have to come first and always will. I agree with the hon. Lady about exploiting the regional media and about stories on local men and boys. I am not sure that we do enough in that regard. It is not MOD policy to do anything other than exploit that, but whether we do it as well as we could is worth considering.

Making judgments on this issue is far from easy and requires careful co-ordination up and down the chain of command. We should therefore be careful about drawing conclusions on the basis of partial information, especially when that is done with the advantage of hindsight.

Against the background that I have given, let me say some more about the Musa Qaleh operation. It was complex, multi-faceted and involved a large number of troops drawn from many nations, with Afghans at the vanguard. It was critical to the operation's success that we obtained and maintained the support of the people of Musa Qaleh in the face of a determined campaign of intimidation by the Taliban. It was therefore vital that we adopted a proactive information campaign. That was subject to detailed planning and was achieved in part by embedding two journalists in the UK units that were providing support to the Afghan forces. The journalists provided reports to newspapers and TV stations in the UK and internationally.

Embedding journalists in military units enables us to afford them access to military operations that simply would not be possible otherwise. In return, we expect them to be responsible in their reporting and not to breach operational security or endanger our people. Evidence suggests that the Musa Qaleh operation is a prime example of such a relationship of mutual trust working well. The embedded journalists did not publish their first reports until 9 December—two days after the original announcement that the operation had commenced. Their journalistic responsibility was subject to particularly sensitive influence, as they were embedded in the patrol in which Sergeant Johnson of the 2nd Battalion the Yorkshire Regiment was tragically killed on 8 December by a suspected mine strike. I am pleased to say that they did not report that incident until Sergeant Johnson's family had been told, through the appropriate channels, and an appropriate period of grace had been observed.

The decision to embed journalists was the right one. They played an important part in ensuring that media reporting of the operation was generally factual and properly balanced, and they did not breach operational security or ignore the needs of the next of kin.

Patrick Mercer: Will the Minister assure me that all the lessons that were learned from the aggressive handling of public relations in Northern Ireland are now thoroughly understood in relation to current operations?

Mr. Ainsworth: I can never give blanket assurances like that, and the hon. Gentleman knows it. One has to learn all the time. Collective memory can sometimes be short. We have to pick up and relearn the lessons of history. Surely, we must try to embed in the armed forces, the MOD and any other organisation the ability to pick up and relearn the lessons that need to be learned and the ability to adapt quickly. So, no, I cannot tell him that every lesson that was learned over 30 years of complex, dangerous operations in Northern Ireland has been learned and remembered by the individuals in the MOD. We have to stay on top of that, and he has to help us to stay on top of that through the processes that we are undertaking today.

I emphasise what I said to the hon. Lady earlier. I agree with much of what she said, but I have concentrated on some of the issues on which I do not agree. I believe that the Musa Qaleh operation was totally successful from beginning to end. We cannot sort out all the ills of our media, but I agree with her reasons for securing the debate.

The Government know that public support and understanding of the activities of the armed forces are important to their long-term success. To that end, we have a duty to share as much information as we can about their work. We should and do, not least through stories about local men, concentrate on regional media and have a regional plan, much along the lines described by the hon. Lady. Moreover, public relations are factored into pre-deployment training, as would be expected. However, we must not confuse the issue. Operational security has the casting vote; it is and will remain the overriding factor that determines whether it is reasonable and safe to release information. That is as true a principle in the Musa Qaleh operation as elsewhere. Any alternative will endanger the lives of our troops. I simply am not prepared to do that, and I am certain that the hon. Lady would not want that either.

It being Two o'clock, the motion for the Adjournment of the sitting lapsed, without Question put.

Westminster Hall

Wednesday 30 January 2008

[HYWEL WILLIAMS *in the Chair*]

Maternity Services

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Dave Watts.]*

9.30 am

Harry Cohen (Leyton and Wanstead) (Lab): I thank Mr. Speaker for granting me this debate on maternity services. I have been planning it for a while, but it is well timed, given the publication of the Healthcare Commission review last Friday.

Along with our colleague, the hon. Member for Macclesfield (Sir Nicholas Winterton), I am an honorary vice-president of the Royal College of Midwives, and very proud to be so. I pay tribute to the college and to midwives. They are professional and effective in the cause of first-rate maternity provision in this country. They are one of the major reasons why giving birth has become safer for mothers and their babies.

I also want to pay tribute to the management and midwives at Whipps Cross hospital in my constituency. It has improved and, in a way, has bucked the trend in London. I shall say a bit more about that later.

Giving birth is a major, life-enhancing experience in a woman's life—and in her partner's. It should be a happy experience, not a traumatic one, and high-quality national health service maternity services that are consistent across the country are essential for that.

The Minister was recently the guest of honour at a Royal College of Midwives event to honour those who did a lot of innovating. She will have seen the brilliance and enthusiasm that midwives bring to improving their profession and their service. As a former nurse, she has been on the NHS front line, and she is aware, more than most, that the front line is vital to delivering quality treatment. So it is with midwives for mothers and babies. I hope that she will excuse the pun, but I know that she is keen to have the best service on the NHS front line. However, that requires action.

The Healthcare Commission's report shows a service that is patchy. It is good in many areas, but inadequate in too many. The trend is in doubt: some factors seem to indicate a worsening. I know that that is not the Government's intention, but they must act promptly to ensure that the needed improvement happens all over the country.

I shall come back to the commission's report, but let me quickly give examples of how the press reported the situation: four in 10 maternity units give poor or below average care; nine out of 10 are not meeting the National Institute for Health and Clinical Excellence screening guidelines for maternity; one in five of the 148 trusts surveyed failed to carry out scans, discharged too quickly or did not follow up with post-natal visits; one third of trusts do not have a consultant on the ward for at least 40 hours a week, which is considered the norm; in one quarter of trusts, three times as many babies were readmitted for jaundice or dehydration than in the best trusts—that is a serious disparity; the maternity care in 31 NHS trusts fell below the approved standard. Those were reports in the press, and they are, of course, a matter of concern.

MPs are concerned. An early-day motion was put down by a Liberal Democrat colleague, the hon. Member for Bath (Mr. Foster), in mid-November. It already had 119 signatures yesterday, and the turnout for this debate indicates that many MPs are concerned about maternity services.

Andrew George (St. Ives) (LD): On the Healthcare Commission's report, is the hon. Gentleman aware that the Royal Cornwall Hospitals NHS Trust, which had a very good result in the report, has a maternity unit, the Princess Alexandra suite, where the roof often caves in despite the good and professional standards and dedication of its staff? In fact, the unit itself is structurally unsound, and people often say that they are surprised that it had such a good report, given the capital challenges that the service faces.

Harry Cohen: I hear that point. Those structural matters must be addressed. It is crucial that the strategic health authority makes provision for and sorts out the problem.

Some key factors are putting the service under intense strain. The Government have guaranteed that by the end of next year, England's NHS will deliver a world-class maternity service, but with less than 24 months to go, action is needed now. The emerging baby boom is placing additional demand on a service that already has to cope with an inadequate and shrinking budget and insufficiency of the midwifery work force. In addition, there is a declining number of student midwives, which means a failure to produce the next generation of midwives—that is a concern. If action is not taken now, it is difficult to see how the Government can avoid failure to honour their guarantees. That would be deeply depressing to midwives and a let-down for women.

The Government gave guarantees in the past two elections. In 2001, the Labour manifesto stated:

"By modernising all maternity units, increasing the number of midwives and giving women greater choice over childbirth, we will ensure that women receive the highest quality maternity care."

In the last election, the manifesto stated:

"By 2009 all women will have choice over where and how they have their baby and what pain relief to use. We want every woman to be supported by the same midwife throughout her pregnancy."

A good document was published by the Department of Health in April last year. "Maternity Matters" included guarantees that by the end of next year, all women would enjoy the choice of how to access maternity care, they would be able to go directly to a midwife or via a doctor, they would have a choice of antenatal care, they would be able to choose between midwifery care or care led by both doctors and midwives, they would have a choice of place of birth, depending on their medical history and circumstances—they and their partners would be able to choose between home birth, giving birth in a midwifery unit or in a hospital with midwives and doctors—and they would be able to choose how and where to access post-natal care. The Royal College of

[Harry Cohen]

Midwives congratulated the Government on that document, and it still does. It says that it wants to work constructively with the Government to achieve those objectives, which are important.

However, let us look at what happened with the health care report. It was the single most comprehensive assessment ever made of maternity services in England. It was based on evidence gathered throughout 2007, and it found significant variations in the provision and quality of maternity care provided by the NHS. Thirty-eight trusts secured the top ranking, or best performing; 47 achieved the second highest ranking, or better performing; 32 trusts—22 per cent. of trusts—attained the third best ranking, or fair; and 31 trusts finished with the bottom ranking, or least well performing.

In London, the worst performing region, 19 out of 27 trusts—70 per cent. of London trusts—got the worst ranking. Like me, the Minister is a London MP. I do not think she is happy that London is behind the rest of the country. She will want London trusts to reach the best standard. That is a matter of concern that the commission's report brings to our attention.

Mr. Eric Martlew (Carlisle) (Lab): I agree with what my hon. Friend is saying. Does he, like me, welcome the Healthcare Commission's report, because of which we actually know what the situation is now? However, the problem is that we do not know what we are comparing it with, because this sort of survey was never done before. The real answer will tell us whether it has improved next time.

Harry Cohen: I hear my hon. Friend's point. That will be a factor, but I do not think that it is the only factor, because the report clearly shows a service that is under strain and that a significant number of trusts, including in the capital, appear to be underperforming and are below the approved standard. The Healthcare Commission review stands on its own in the present as well as being a factor for the future.

I shall run through some important points made by the Healthcare Commission in its press papers. It says that:

"those trusts that were least well performing should as a matter of urgency take steps to improve and we shall be checking that they do so."

It continues:

"The review raises real concerns about performance in London. There are a number of factors that may have influenced these results, such as lower staffing levels and the mobility and mix of the population. But London trusts need to rise to these challenges."

In fact, the Healthcare Commission has said that it will do a more detailed assessment of what needs to be done this year, but says that

"very low staffing levels may be associated with poor overall performance".

That certainly seems to be so in some London trusts. It said that

"antenatal and postnatal care tended to be consistently poorer"

in London and that

"the quality of care around the time of birth was mixed."

It says that there needs to be

"greater continuity where women are getting different aspects of their care from different trusts."

The Healthcare Commission mentions mental health issues in respect of pregnant women, which is important, because depression and suicide are associated with pregnancy. It states:

"All trusts ask women about their mental health at a woman's first antenatal appointment, however only 55% conduct all the mental health checks identified in NICE guidance...42% of trusts said that they did not have access to a specialist mental health service."

That aspect needs to be addressed.

The commission says that

"64% of trusts are providing women with a named midwife",

but

"34% of trusts are providing a named midwife sometimes"

and

"2% of trusts are not providing a named midwife at all".

That is a serious criticism. All trusts should provide a named midwife.

In respect of the London factor, on bookings, the Healthcare Commission says that most trusts took

"1.5 weeks or less from the time between a woman making contact and having her first booking appointment."

However, in some London trusts it took "4.1 weeks or more". I put it to the Minister that that is not acceptable.

The last point that I want to quote from the Healthcare Commission report is on breastfeeding. Initiation rates are "58% or less" in some trusts, whereas in the higher performing trusts the rates are "78% or more", because of the quality of the advice. We know how important breastfeeding is for the health—and the future health—of the child. Those are serious flaws that the Healthcare Commission has outlined.

The report also outlines some challenges facing NHS maternity services: the emerging baby boom, cutbacks to the budget, shrinking midwifery numbers and student midwife numbers. I want to deal briefly with each one in turn. On the baby boom, the birth rate in England between 2001 and 2006—the latest year for which figures are available—rose from 563,744 to 635,679, a 13 per cent. increase. The number of births in London increased by 16 per cent. in those five years. Addressing the Labour conference last year, the Secretary of State for Health said:

"We have initially planned an extra 1,000 midwives by 2009. If birth rates continue to rise, we will need to train more."

Well, they are continuing to rise. I should like to know what the Minister's reaction is to that. I would also like to know whether that figure of 1,000 is a head count or refers to full-time equivalents, because if it is just a head count it will not do the job. The Royal College of Midwives estimates that some 5,000 extra midwives are needed if it is to meet the targets on one-to-one care that the Government have been talking about.

On a new projection, there would be 652,000 births in 2006-07 and 673,000 by 2009-10. If those official predictions are correct, the number of births in England will have increased by more than 100,000 in less than a decade. The BBC has talked about that in terms of migrant labour, but I think that that is just

a factor. The BBC estimates that that increase will add a £200 million bill on to NHS costs in terms of maternity services. The Government are putting in £122 million. Putting those two figures side by side shows that more needs to be done in that respect. Migrant and immigrant labour is vital for the NHS and for many other industries as well, but that factor must be taken into account if we are to meet our aims in terms of maternity services.

The budget has been reduced. There was a cut of £55 million in NHS cash spent on maternity services in 2006-07, which is equivalent to £87 less per birth than in the previous year. In 1997-98, maternity services received 3.1 per cent. of the NHS budget, but by 2006-07 that had fallen to 2 per cent., so those are getting a lesser proportion. If the figure had remained at the higher proportion of 3.1 per cent., maternity services would have received, on average, £1,274 more per birth than they actually received. There have been reductions in the budget. That has to stop. In fact, it must go the other way if we are to achieve the target.

The work force issue is important. There is general party political consensus that we need more midwives; I could quote all parties saying that that needs to be so. However, I want to make a point about what the experts say. The various royal colleges in this field talk about a level of one midwife per 28 women—a ratio of 1:28. Let me give the figures for the increase in births per full-time equivalent midwife in 2006, compared with 2001: in the north-east the number of births is 29, which is an increase of 16 per cent.; in the north-west it is 27, up 8 per cent.; in Yorkshire and the Humber it is 33, up 10 per cent.; it stands at 40 in the east midlands, which is an increase of 25 per cent.; in the west midlands it is 32, up by 10 per cent.; in the east of England it is 38, down 5 per cent.; the figure in London is 36, down by 3 per cent.; in the south-east it is unchanged at 37; in south-central it is 43, up 19 per cent.; and in the south-west it is 31, up 15 per cent. The trend is mainly in the wrong direction and well above the 1:28 ratio that the experts say is needed. That is not good.

In 2004-05, 2,374 NHS midwife training places were commissioned in England. That fell to 2,200 a year later, and fell again to 1,990 in 2006-07. Does the Minister have the latest figures, and do they show a fall? There is a serious problem for future generations, partly because the Government reduced the bursary for midwives—the amount that they receive in training. A big push is needed for more midwives in training, or there will be an even bigger problem.

I am running out time, because plenty of hon. Members want to speak, but I want to draw attention to a few points. UNICEF has introduced a baby friendly initiative and says that in trusts where it is in operation breastfeeding has increased by about 10 per cent., but it is not in operation in the majority of trusts, and it should be.

The Royal College of Obstetricians and Gynaecologists agrees that 5,000 more midwives are needed, but says that more obstetricians are also needed on the wards to provide a consultancy service. It points to the huge litigation costs in maternity services, which are second only to those in general surgery. When something goes wrong, the costs may be in the millions, and the RCOG makes the good point that if there were a better overall service, it would save on some of those litigation costs. I do not have time to give the figures, but the point is relevant and worth making.

More proactive intervention is needed from Ministers and NHS management to address the situation and to achieve our manifesto commitments and aims. There should be more resources. I welcome the £122 million, but that is the figure that will be reached in three years. What will happen this year and next year, and what are the figures for those years? The figure should be higher if we are to have the necessary increase in the number of midwives and student midwives, higher consultant cover, and more choice, as we were promised.

The poorest performing trusts, particularly in London, must be forced to improve their maternity services up to the standard of best practice. The guarantees were clear, and are still being made, but time is running out. I urge Ministers to will the means and to require the relevant authorities to fulfil them. That is what our top-rate midwives and, more importantly, mothers and their babies richly deserve.

Several hon. Members *rose—*

Hywel Williams (in the Chair): Order. I intend to start the winding-up speeches at 10.30. A number of hon. Members have indicated their intention to speak, so I appeal to them to be suitably brief.

9.53 am

Mr. Mark Field (Cities of London and Westminster) (Con): I congratulate the hon. Member for Leyton and Wanstead (Harry Cohen) on securing this important debate. He highlighted some of the specific problems in London but, as a predominantly loyal member of the governing party, he downplayed some of those concerns. However, the Minister has plenty of food for thought.

I have direct experience of maternity services. Six weeks ago, my first son was born. It is with some regret that my wife and I decided to go private, partly because of the acute problems with midwifery and maternity services in London. We went to the Lindo wing at St. Mary's hospital, Paddington where we received tremendous service throughout from Dr. Raj Rai.

I was born in the health service, albeit at a British military hospital in Germany, and I was educated in the state sector, so I did not take lightly the decision to use a private hospital; it was a reflection of the problems in the national health service. Those problems predate 1997 so I am not trying to make a narrow political point. Although we rejoice at some of the great successes of our national health service, there are some real problems, which platitudes from politicians on both sides of the House do little to resolve.

My wife had a caesarean and she had to stay in hospital for four days after the birth of our son, Frederick. I reflected that the service we received, which was tremendous, was unlikely to be received by mothers who had given birth a few hundred yards away in the main St. Mary's hospital. I know that from a number of constituents. There have been too many horror stories from friends in central London who have gone through the national health service, not just at St. Mary's, Paddington, but at the Chelsea and Westminster hospital. I shall refer to one or two examples from a letter that I received only this week.

[Mr. Mark Field]

There are problems because women are passed from pillar to post, from trainee midwife to locum midwife during the pregnancy, and there are problems after the birth. Such problems are particularly acute in the capital for a number of reasons. As I have often said, the trade unions may like national pay bargaining, but in a nationalised health service it does no great service for people living in London. That also applies to the education system. There are acute problems with our public services in London, and in the south-east, because the cost of living is so enormous.

There has been an explosion in the birth rate, to which the hon. Member for Leyton and Wanstead rightly referred, largely due to immigration. There is no doubt that a vibrant, young work force have come to work in the UK, particularly in London but also in other parts of the country and in other large cities. Young people in their 20s and 30s are at the fertile age and they are likely to have children. Since enlargement of the European Union three and a half years ago, we have known that there would be an explosion in the number of young people coming to live and work in the UK, yet there has been insufficient planning. The hon. Gentleman was too polite to make the point as blatantly as I have.

The problem applies not just in London, but outside. There is little doubt that in central London there are specific problems of hypermobility and hyperdiversity; many people are moving around and living in our cities, and 90 languages are spoken in the diverse population in my constituency. Regrettably, that puts undue pressure on inner-city health care.

I shall refer to a constituency case. A letter from Mrs. Sarah Meier of St. George's square, Pimlico arrived in my office only last week. Her experience is not typical, but it is not unusual, and on a personal level it was one reason why I decided that the national health service was not fit for purpose in my constituency. I regret that, but I have seen the problems as a Member of Parliament, and as someone who has friends who have used central London hospitals for childbirth in recent years.

Mrs Meier said:

"I am writing to bring your attention to how dissatisfied I am with the treatment my baby son and I received after giving birth at the Chelsea and Westminster Hospital on 9 November 2007. I am writing so that you can take action to prevent others having to suffer what we endured...the treatment we received afterwards on the...Ward was a disgrace. I had an epidural during labour and also an"—

Anne Milton (Guildford) (Con): Episiotomy.

Mr. Field: Episiotomy. I bow to my hon. Friend's medical knowledge.

Mrs Meier had

"an episiotomy with extensive associated bleeding. So I had to stay in hospital overnight and was moved to the...Ward. The conditions of hygiene and care in that ward were appalling. During my 24 hour stay my bedding was never changed. I had to sit in my own blood and nobody came to check me. Later that week, after I had gone home, it was found that I had an infection. I, and the GP who several days later saw me as an emergency, are both sure that this was due to the conditions in the ward and the lack of interest taken in my wellbeing. I thought the prevention of infection was supposed to be"—

a top priority. That episode occurred only two and a half months ago. Mrs Meier continued:

"The GP also diagnosed me as having anaemia. Again this could and should have been picked up on by someone on the ward, but nobody had bothered to come and check on me...This is my first child and I was attempting to breastfeed him. This was particularly challenging as my milk had not yet come in properly. The midwife on duty shouted at me for not doing it the 'correct way'. My son and I were discharged from hospital on Saturday 10th November. My son was checked by the paediatrician prior to discharge."

It transpired that the baby had suffered from post-birth jaundice, so within 24 hours of leaving hospital he had to be rushed back into hospital at the behest of a GP. The whole episode was very traumatic, but it could have been avoided if the paediatrician had picked up the problem before discharge. That is by no means an untypical experience. I am sorry to have to bring it up on the Floor of the House, but it is appropriate to do that in this place, rather than going through a lot of platitudes about various targets and figures and saying how marvellous the health service is.

In many areas, such as central London, the health service is not fit for purpose. Mrs. Meier said her experience was a contrast to the excellent care and attention that her sister-in-law received only last year when she gave birth in Harrogate district hospital. She said:

"It is difficult to believe that both hospitals are part of the same health service."

That goes to the heart of the issue about a national health service. Mrs. Meier said that in no circumstances would she have another child at the Chelsea and Westminster hospital. She advises all her friends to avoid the place.

As I said, I am sorry that I have had to bring up the matter on the Floor of the House. However, such distressing episodes are increasingly common in central London, and not only in relation to maternity services; there are difficult problems in respect of hypermobility and hyperdiversity, to which I have referred. Problems stem from the explosion in the number of young people who come to the UK and give birth in this country. There are specific problems in London, to which the hon. Member for Leyton and Wanstead rightly drew attention. The Minister, who is also a London MP, will be aware of some of the issues that have been raised, although that is not to say that there are not some very positive stories.

There are positive stories about some of our hospitals, even though they are under great strain in central London. None the less, I hope that the Minister will consider some of my specific concerns, which are not just about money, although the hon. Member for Leyton and Wanstead got it right when he said that we face a financial crisis in London in relation to maternity care. I hope that the Minister will give maternity services proper investment and attention in the months and years to come.

10.2 am

Mr. David Drew (Stroud) (Lab/Co-op): I am aware that other hon. Members wish to speak, so I will keep my remarks as brief as possible. I congratulate my hon. Friend the Member for Leyton and Wanstead (Harry Cohen) on raising such an important and topical matter.

We could not have a better backdrop than the current Healthcare Commission report. I have some direct experience of the impact of the restructuring of the health service. A year ago, as a result of the proposals to reorganise health services in Gloucestershire, the maternity unit in Stroud—a small but invaluable unit—was under threat of closure. There was a massive campaign to keep it open. The authorities finally saw sense, and it is now flourishing, which shows that small units have a part to play. I pay tribute to Michelle Poole, who is in charge of that unit. Her stewardship is excellent, and she has always kept me apprised of the different maternity issues.

The Government's direction is absolutely right. Despite some of the recent criticism, maternity services is an area of which the Government should feel proud. I shall not go over the same ground as my hon. Friend. Clearly, he has made the case very strongly. We are looking at the issues of recruitment, training and retention of staff. From my experience, this, like many other public professions, is an ageing profession, so we have to ensure that we recruit more people into it. I am interested to hear how my hon. Friend the Minister responds to my hon. Friend with regard to getting the numbers right. I would like to put on record my welcome for maternity care assistants. Again, they do not necessarily get much publicity. After some initial worries in the midwifery profession, the role of the care assistant now seems to be both established and welcome.

I raised the issue of insurance in a debate secured by the hon. Member for St. Ives (Andrew George) last May. I am particularly concerned about independent midwives, who are an important part of the service. Have the Government made any progress in their talks with insurers to ensure that such a matter does not militate against smaller units and those who work as independents?

As my hon. Friend said, the numbers are up, and not just in the urban centres but also in areas such as Stroud. That is helpful because one of the accusations was that our numbers were going to decline and that such units would not be viable. That was the prediction in 2006. In fact, in 2006-07, the numbers born at Stroud maternity unit were up by 7 per cent. Again, it is manifest that a lot of that increase is due to migration. We now have a little Polish unit under the leadership of midwife Helen Conway. It is good to see that people can get the best of care even in a rural setting. I am referring here to the translation services. I do not mean midwifery care, but care in the wider social provision. That is very impressive.

I want to discuss the issue of maternal mental health, which was quite rightly raised by my hon. Friend. The problem is highlighted by the Healthcare Commission and the National Institute for Health and Clinical Excellence clinical guideline 45. One of the advantages of smaller units is that they can provide specialist care. Stroud has always prided itself on the fact that it has recruited midwives who, while not suffering medical problems, have learning difficulties, and who may not have English as their first language. That is helpful. There is a question mark over how the midwifery-led units work with the Gloucestershire Partnership NHS Foundation Trust. Mental health is not an area that is well resourced or an area in which one can easily cross boundaries. What does my hon. Friend the Minister aim to do to ensure that there are more resources going into this area, that there is more co-ordination between the different trusts and that post-natal depression is given due attention?

The report "Saving Mothers' Lives" that was published last year stated that the number of suicides associated with childbirth was down. Will the Minister say how we can further reduce those figures, which reflect a very sad aspect of giving birth? How can we ensure that there is better overall care in this field? It would be good to hear what the Government's strategy is.

Finally, I want to congratulate the Government on their clear-sighted approach to childbirth and the very early years of childhood. I have been a great supporter of our nursery provision and the drive towards children centres. It makes sense that we have now linked health visitors with children centres. In Stroud, the health visitors are now based in the maternity unit. Okay there was space there, but it also made eminent sense to have health visitors working with midwives in the children centres.

The difficulty is, of course, resources. Children's centres are not always well resourced. I will not say that there is snobbery, but there is some questioning in the medical profession about the role of health visitors. The Minister smiles, but there is still some prejudice in the medical profession about what health visitors do. As we have moved them increasingly away from purely medical intervention, that has led to some questioning among GPs in particular, so I would welcome what my hon. Friend has to say about how we can reassure the GP community that health visitors are doing vital work, if in a slightly different way, and about joining them up much more with midwives and children's centres.

It would be remiss of me not to mention that linked to that are organisations such as Home-Start. In rural areas, we accept that because of the lack of concentration of facilities, we will never be able to provide Sure Start or children's centres in every rural location, much as that is a dream of mine. However, we have excellent organisations such as Home-Start, which fill in the gaps and provide support in the early years for both mother and child. It would be good to know how the Department of Health envisages the role of such organisations, which are very much supported by health visitors. If the Minister will say some nice things about that, I can at least go back to my Home-Start organisation and say that it is well loved even if it is not always as well resourced as we would like it to be.

This is a good story. I know that there has been criticism and that there is a lot of pressure in this area, but I hope that we continue to do what we have been doing and that we provide some more resources to ensure that we can do it properly.

10.11 am

Tony Baldry (Banbury) (Con): For me, this is a timely debate because tomorrow my right hon. Friend the Member for Witney (Mr. Cameron), my hon. Friend the Member for Daventry (Mr. Boswell) and I will be giving evidence to the independent reconfiguration panel, seeking to persuade it that proposals to downgrade the

[Tony Baldry]

consultant-led maternity unit at Horton general hospital in Banbury to a midwife-led unit, causing large numbers of women to have to travel some 26 miles to Oxford, is a bad and dangerous idea. I am sure that the House will note that, given the concept of collective government that we have in this country, my right hon. Friend the Member for Witney, part of whose constituency is covered by Horton hospital, speaks not only as the Member of Parliament for Witney but as Leader of the Opposition, and his views therefore reflect those of the official Opposition and the Conservative party. *[Interruption.]* The hon. Member for Stroud (Mr. Drew) titters, but many communities in this country are desperately concerned at the downgrading of maternity services.

The "Keep the Horton General" campaign, which is ably led by a Labour district councillor, George Parish, evidenced the ambulance transfer times between Banbury and Oxford. These figures represent what actually happens at present. In only 5 per cent. of cases did an ambulance manage to get to Horton hospital in 10 minutes. Only in just under a quarter of cases could an ambulance get there in 30 minutes. In most instances, it took more than half an hour to get an ambulance to Horton hospital. That is before the transfer of a mother has even taken place.

When those figures were put to the Oxford Radcliffe Hospitals NHS Trust, Helen Peggs, the director of communications at the trust, stated the following in an e-mail:

> "At the moment, the Horton General Hospital is classified by the Ambulance Service as a 'place of safety'. This means that the Ambulance Service treats calls from the Horton as 'urgent' but not as emergencies, which require a very rapid response, and they have a very long timeframe in which they can respond.
>
> If the proposals are accepted by the Secretary of State, this will change. The Ambulance Service will treat any calls from the Horton General Hospital for women or children who need ambulance transfers as Category A (999) emergencies."

In other words, at present my constituents have a hospital that is a place of safety. If the changes go ahead, my constituents will no longer have such a hospital. That is disgraceful and disgusting.

Sandra Gidley (Romsey) (LD): I have another concern. Many women choose to attend midwife-led units, and another battle being fought throughout the country is to prevent the closure of such units. Is the hon. Gentleman concerned that in the longer term, if he loses this battle, which I hope he does not, he may be fighting yet another battle?

Tony Baldry: It is clear that even on the Oxford Radcliffe trust's own best figures, a large number of women who elect to go to Horton hospital in future will have to have their babies somewhere in transit, because even the most prospectively normal deliveries can go wrong. Indeed, an e-mail from one of my constituents the other day stated:

> "My newest cousin Ewan was born at the Horton at 3.19 am on Monday 14 January. It had been decided only half an hour before, that a Caesarean, unplanned and unexpected, was essential as baby, and mother, were becoming dangerously stressed. The consultant-led team of 8 delivered him safely. A 24-mile dash to the JR in such circumstances is unimaginable."

A large number of women will be obliged to have their babies somewhere along the M40. That is simply unacceptable in the 21st century.

Time is short and I am conscious that the hon. Member for St. Ives (Andrew George) wants to speak, but I have two other points. We hear from the Government continuous rhetoric about choice and patient power. On 9 January, the Prime Minister made a speech on the NHS. Obviously it must have been cleared by the Cabinet and the Department of Health. He said that

> "the NHS of the future will be one of patient power, patients engaged and taking greater control over their own health and their healthcare too."

He talked about

> "frustrations with access to services, with a service too often centred on the needs of the providers rather than those of patients".

and said:

> "That is why giving patients choices through reforms to encourage plurality of provision, create a genuine level playing field between competing local providers and allow money to follow the patient are so important".

Frankly, my constituents and those of my right hon. Friend the Member for Witney and my hon. Friend the Member for Daventry think that that is complete tosh. When they are being denied choice—when choice is being taken away from them and existing services are being taken away—for the Prime Minister to have the impertinence to talk about patient power is just insulting.

We are seeing locally a health service that is in danger of going backwards. That a general hospital is told that it will no longer be a place of safety in the 21st century is insulting to large numbers of people living in north Oxfordshire, south Warwickshire and south Northamptonshire. It is a disgrace. I hope that tomorrow, and sooner or later, the independent reconfiguration panel will have the courage to say to the Secretary of State, "Enough is enough. A line has to be drawn on the downgrading of maternity services in the UK, which is putting at risk the lives of mothers and babies. It is simply not good enough."

10.18 am

Mr. Eric Martlew (Carlisle) (Lab): I congratulate my hon. Friend the Member for Leyton and Wanstead (Harry Cohen) on initiating the debate and on the quality of his speech. We sometimes forget—we should say this because there will be women watching the debate who are anxious—that the United Kingdom is one of the safest countries in the world in which to give birth.

The point that I want to make is that things can change. Hon. Members have been going on about the problems in their constituencies and I can understand that. I made a similar speech about 15 years ago. In Carlisle, the maternity hospital was on the site of the old workhouse. The consultants worked at the district general hospital 2 miles away and they had to travel through congested streets if there was an emergency. An independent inquiry at that time concluded that, because of the facilities and the split site, babies were dying. I brought that point to the attention of the House. I shall not go into the politics of it and which

Government were responsible; in fact, probably both Governments—Harold Wilson's Government and the previous Conservative Government—take some of the responsibility.

However, the situation is transformed. We had the first private finance initiative hospital in Carlisle. I can tell the Minister that that was not without its problems—one never wants to be at the cutting edge on such matters. One of the advantages of the new hospital was that we got rid of the split site and provided an excellent maternity facility with birthing rooms for mothers. The Healthcare Commission now says that the quality of maternity care in the North Cumbria Acute Hospitals NHS Trust area is excellent; in fact, it is the third best in the north of England. Dr. Gwyneth Lewis, the medical lead in maternity services, has been to the area recently, and she said that the service is exemplary.

There are problems with the service, but I cannot understand why Members say that we should have a uniform NHS. It will never be that way because provision depends partly on the quality of staff and buildings, for example. We need to bring standards up everywhere. Obviously, Cumbria is a rural county. We have community midwifery services from the north at Brampton down to Millom in the south, and another excellent maternity unit at West Cumberland hospital. Those things have been achieved because of the commitment of the staff in Cumbria, and not only the maternity unit staff. I should like to place on the record my appreciation to the work force in Cumbria, and to the Government, who provided the investment so that we could move forward.

I hope to be going to the maternity unit on Friday to congratulate the staff on their good work. I am sure that the Minister will agree that they should be congratulated.

10.22 am

Andrew George (St. Ives) (LD): I congratulate the hon. Member for Leyton and Wanstead (Harry Cohen). Although I endorse much of what the hon. Member for Carlisle (Mr. Martlew) said, I urge him to examine the perinatal mortality figures. The hon. Member for Stroud (Mr. Drew) referred to a debate that I was fortunate enough to secure on 2 May last year. I refer the Minister to my comments in it. Many of the issues raised then are pertinent today.

When I intervened on the speech of the hon. Member for Leyton and Wanstead, I referred to the fact that the Princess Alexandra unit at the Royal Cornwall Hospitals NHS Trust has excellent and professional staff who provide a very good service, despite the tremendous structural problems within the building. Despite the problems, the unit was given the status of one of the best-performing maternity units in the country. People who have experienced the service will say, "If this is the best, God knows what services are like in the rest of the country".

The issue of community midwives has not been properly addressed in the debate, which is a pity because there is pressure on those services. Community midwives are increasingly being asked to work in maternity suites, and the stress caused to them is significant, particularly for those whose skills and experience are not up to date.

Many Members drew attention to the problems of insufficient recruitment into the service. In the debate to which I referred, the Under-Secretary of State for Health, the hon. Member for Bury, South (Mr. Lewis) acknowledged

"that only 3,000 midwives are needed".—[*Official Report, Westminster Hall*, 2 May 2007; Vol. 459, c. 481WH.]

We are still a long way from recruiting those 3,000 additional midwives into the service. They are desperately needed, but many trained midwives are not finding their way into the service.

I wish to ask the Minister some questions about last Friday's Department of Health press release, which followed the Healthcare Commission's report. The Secretary of State for Health says that

"funding for maternity services will increase over the next three years to reach an additional £122 million"

nationally. The press release seems to say that the increase will come between 2008 and 2011. Do I understand that correctly? It also says that the money will be used to implement the Government's "Maternity Matters" strategy, which needs to be in place by the end of 2009, so how come it will not be fully in place until the 2010-11 financial year? The increase is welcome, but can increases in spending be set centrally in the era of payment by results? Perhaps the extra money will filter into the system through increases in the tariffs for maternity care. If that is the case, will trusts not simply siphon off the money generated through payment by results from maternity care and spend it on other services?

In the financial year 2006-07, spending on maternity services fell by £55 million, as was mentioned earlier. We do not yet have the spending figures for 2007-08, but there may have been a further drop. Will the Government commit to a further injection of money into maternity services if NHS spending on maternity services falls again in 2007-08? If not, the extra £122 million will simply make up for money that has been siphoned off out of the service. I hope that the Minister will address those finance questions.

10.27 am

Mr. David Kidney (Stafford) (Lab): I congratulate my hon. Friend the Member for Leyton and Wanstead (Harry Cohen), and I thank hon. Friends and hon. Members for their brevity, which has allowed me to be the last Back-Bench speaker in the debate.

I should like to deal briefly with three challenges, and then to say something constructive about the future. First, I urge caution on those who describe us as being in the middle of a baby boom, as my hon. Friend the Member for Leyton and Wanstead did. The fact is that in the years up to 2006, there was a gradual decline in our birth rate, such that there are now debates up and down the country about closing schools because of falling rolls. It is true that the Office for National Statistics figures for 2006 show an increase of 30,000 births in England on a total of about 600,000, but it is early days to be calling that a baby boom. There are distributional effects, and issues concerning the diverse ethnicity of mothers create specific problems, which is why, I suspect, the debate has focused on London.

Secondly, there has been an increase in premature births and hence the challenges they create for maternity

[Mr. David Kidney]

services—other hon. Members have not mentioned that. For whatever reason, there has been an increase in premature births and, thanks to advances in medical science and in the skills in our health care services, more babies are surviving. Of course, the child and parents must be given support for much longer, and that support is resource-intense, which puts additional pressure on services. The issue was brought to our attention by a BLISS report last autumn, "Too little, too late?", and was repeated in an article in *The Observer* last Sunday.

Thirdly, the Healthcare Commission review of maternity services, which was the first of its kind, and which the commission described as comprehensive, draws attention to both best practice and poor services. The challenge is to make the best practice common practice everywhere, which—to be constructive—is where I begin, with one minute of my time remaining.

First, we should praise the staff who work in the service. Often in debates about NHS services, we say how dedicated and committed the staff are, but we can give particularly great thanks to the people who work in maternity services. I have enormous admiration for midwives and health visitors for the work they do. We have put support in place for them and provided a framework. We have the national service framework and the National Institute for Health and Clinical Excellence guidance, but next we need to get training right.

My hon. Friend the Member for Leyton and Wanstead mentioned the baby friendly initiative, which NICE recommended should be part of the level of care that maternity units ought to provide. The initiative is a worldwide programme, created by the World Health Organisation and UNICEF, and accredits units for their level of service; it promotes breastfeeding—a subject that I am very keen on—and it suggests that there are health gains for parents, increases in the rate of breastfeeding and reductions in costs for services if the initiative is followed. I suggest to my hon. Friend the Minister that one important way to spread best practice to all maternity units is to improve take-up of the baby friendly initiative in accordance with the NICE guidelines.

I would have said much more about tackling health inequalities, Mr. Williams, but I am out of time.

10.30 am

Sandra Gidley (Romsey) (LD): I congratulate the hon. Member for Leyton and Wanstead (Harry Cohen) on securing this debate and on his timing; in the wake of the Healthcare Commission report, the issue has understandably become rather high profile. The commission's report highlighted patchy performance. We see a service under considerable strain.

I am not sure whether there is a baby boom; all I know is that Southampton has seen a large increase in the number of births over the last few years. That is causing considerable strain locally and is forcing the decision to close small midwife-led units in order to centralise services. That has proved somewhat controversial.

All that is unfortunately set against only the tiniest of increases in midwife numbers. In 1997, we had the equivalent of 18,053 full-time midwives in the NHS. By 2006, the number had risen to 18,862—a rise of only 809, or 4.5 per cent. over nine years. Even worse, last year the number had fallen by 87 from the previous year. Put simply, we need the equivalent of about 22,000 full-time midwives, and we need them quickly.

The hon. Member for Leyton and Wanstead highlighted the drop in the number of student midwives, which is serious. The headcount number of midwives also fell by 375 between 2004 and 2006, so despite the Government's claims over the seven years since I became a Member that they are planning to address recruitment and retention rates, they have seriously failed to address the problem of retention. Many midwives leave the profession after only a few years. We have a demographic time bomb on our hands, because the age profile of the midwife community is skewed towards the upper age limit, with a large number due for retirement within the next 10 years. That will have a real impact on services.

The regional picture is patchy. Areas such as Yorkshire and Humber have seen a decrease of 141 in the number of midwives. It would be interesting to hear from the Minister what exactly is being done to increase the number of student midwives. Will the Government reverse the trend that has been evident over the past couple of years? How will they improve the retention rate?

How do the problems and pressures manifest themselves? The Healthcare Commission report showed that only 64 per cent. of trusts provided a named midwife for antenatal and post-natal care in 2008. That is not good enough. Most women have the realistic expectation that they should know who is to provide their care, but 34 per cent. of trusts meet that expectation only sometimes and, rather worryingly, 2 per cent. do not meet it at all. London trusts experience delays in booking, with consequent effects on the number of antenatal appointments that a woman can have.

The closure of small maternity units has been alluded to briefly. It decreases the choice available to women. Although a lot of women choose to have their first baby in a unit with a consultant unit attached, many women assess the risk and decide that they would prefer to give birth in a midwife-led unit—something they are happy with—so it is a pity that some of those units are closing.

When a woman goes into labour, she should be guaranteed one-to-one care by a midwife. Having heard the previous Prime Minister's wife exclaim proudly that she had two midwives attending the birth of her last baby, I tabled a parliamentary question to ask for a definition of one-to-one care.

The Parliamentary Under-Secretary of State for Health (Ann Keen) *indicated dissent.*

Sandra Gidley: The Minister shakes her head. I was at the meeting when the comment was made.

The Department seems unwilling to provide a definition of one-to-one care during labour. Many people contend that it should mean that a woman has the undivided support of a midwife to give encouragement and to help her through the birth process. That is clearly not happening.

In October, the Royal College of Anaesthetists, the Royal College of Midwives, the Royal College of Obstetricians and Gynaecologists and the Royal College of Paediatrics and Child Health issued a joint report entitled, "Safer Childbirth: Minimum Standards for the Organisation and Delivery of Care in Labour". To achieve the standards highlighted in the report, we need to double the number of consultant obstetricians and provide an extra 5,000 midwives. The colleges said that unless dramatic changes were made, the shortfalls would become a problem that would have

"disastrous effects for mother and baby".

It was also disclosed that, of more than 100 obstetric and midwifery units in England and Wales, only 27 per cent. have the equivalent of a midwife for every woman in labour. That is far from the Government's stated aim.

Other manifestations of the problem can be found in a woman's opportunity to have her choice of pain relief. Although the Healthcare Commission report highlighted a relatively high satisfaction rate of 78 per cent., it still leaves nearly a quarter of women dissatisfied with the pain relief they receive. That situation can only get worse. If more women are giving birth, it will put more pressure on the system. If an anaesthetist is not available, an increasing number of women will be deprived of their choice of pain relief.

The hon. Member for Stroud (Mr. Drew) touched on some of the mental health issues connected with pregnancy. That is important, because the Birth Trauma Association has established a strong link between a negative birth experience, which is often related to pain control, and post-natal problems. It is not overdramatic to suggest that some women see the problem as akin to post-traumatic stress disorder.

None of us wants to see another Northwick Park, but reports from my local hospitals include some frightening experiences. There are regular reports of one midwife looking after two or three women in labour; of staff being pulled off post-natal wards to help cope with risk periods in antenatal wards, which means that some post-natal checks are not done; and, echoing the comments of the hon. Member for Cities of London and Westminster (Mr. Field), of things such as filthy toilets with dried blood not being cleaned up within 24 hours. If those problems were a one-off, I would not have mentioned them, but there is a consistent theme that unfortunately keeps returning to me and to other hon. Members.

The drive to reduce the length of stay has led to an increase in readmissions. When that happens care must be taken to ensure that women have regular post-natal contact with a midwife, and that those visits are made. Problems can develop post-natally and it is important that we look after those women.

The lack of midwife cover can lead to an increase in caesarean sections. It does not reflect well on our country that the rate of caesarean sections is well over 20 per cent., when the World Health Organisation says that 13 or 14 per cent. is probably the optimum.

The hon. Member for Stafford (Mr. Kidney) highlighted problems with breastfeeding. In some maternity units, only 58 per cent. of women initiate breastfeeding. I fully endorse the hon. Gentleman's comments about the UNICEF initiative on breastfeeding.

Sadly, I am out of time. However, I must say that what is really depressing is that although there have been numerous Select Committee reports about maternity services over the years, we are still discussing the same old problems. Will the Minister tell us when those problems will be tackled?

10.40 am

Anne Milton (Guildford) (Con): The hon. Member for Romsey (Sandra Gidley) has given me my cue to start. She mentioned the number of reports on this issue. I would refer all Members here, including the Minister, back to "Changing Childbirth", which I believe was published in 1993; it still holds good today. We are still facing very clear gaps in the delivery of service on maternity care.

I congratulate the hon. Member for Leyton and Wanstead (Harry Cohen) on securing this debate. He gave us a very good basis on which to launch this discussion and highlighted many of the issues that the Healthcare Commission has referred to in its report on maternity services. For me, the biggest issue that he raised was choice—where and how a woman has her baby—and the fact that childbirth is meant to be a happy experience for women, not a traumatic one. Although there is scant research at the moment, anecdotally we know that the experience that women go through during labour has a profound effect not only on their own health—including their mental health—in the years ahead, but on their baby's.

My hon. Friend the Member for Cities of London and Westminster (Mr. Field) highlighted the issue of mothers feeling as if they were being passed from pillar to post. That is a common theme and a number of other Members have highlighted it. My hon. Friend also mentioned the particular problems facing London, including problems with mobility and diversity, which create particular challenges for the capital's work force. Ensuring that we reach the groups that are hardest to reach, who are often the most mobile and often do not have English as a first language, is vital.

I noticed that while my hon. Friend was speaking, the Minister shook her head. I ask her not to deny the problems, and to accept that he was speaking in good faith and relating the experiences of his constituents, particularly one who had a very sorry tale to tell of poor care that led to infection.

My hon. Friend the Member for Banbury (Tony Baldry) spoke with considerable passion, as he always does, about the Horton hospital, which it has been my privilege to visit. He also raised the issue of travelling times, which, although no other Members here today have raised it, is of concern in places across the country where smaller maternity units are closing. He rightly said that the Horton is a place of safety. Again, we come back to the issue of choice. If the Minister and the Government want to deliver choice, the message from my hon. Friend is loud and clear: his constituents would like to have the choice of their babies being delivered at the Horton hospital.

Although my hon. Friend the Member for Welwyn Hatfield (Grant Shapps) is not present, I should point out that he introduced me to a constituent of his whose wife's pregnancy sadly ended in tragedy when the doors of the local maternity unit were closed due to staff

[Anne Milton]

shortages. Smaller maternity units offer a place of safety. They are often what women and their families want. I ask the Minister specifically to address the issue of the closures of any such units.

We also heard from a number of other Members. The hon. Member for Stafford (Mr. Kidney) raised the issue of premature births. In fact, the figures on premature births are dreadful and I will refer to them again a little later. The hon. Member for Carlisle (Mr. Martlew) praised his local maternity services; it is always good for us to do so. The hon. Member for Leyton and Wanstead began by paying tribute to midwives, and I am sure that all of us would pay our tribute to them and to the administrators, health visitors and members of the other allied professions, all of whom support women in childbirth. I certainly pay tribute to them.

I could go on quoting from similar figures. For example, Mind has produced several sets of figures on this issue. The hon. Member for Stroud (Mr. Drew) talked about mental health problems. In fact, Mind estimates that 13 per cent. of women will face mental health problems in the first 13 weeks after childbirth, and that figure rises to 20 per cent. in the first year after childbirth. That is a significant proportion of women. If we do not have the midwives, if there are staff shortages, and if we lose the smaller, local maternity units, those figures will undoubtedly get even worse, because there will not be the support staff—in particular, the midwives—to identify any problems at an early stage.

The story is one of a rising childbirth rate. The hon. Member for Stafford said that he was not sure whether we were experiencing a "baby boom"; whatever we are experiencing, the childbirth rate is rising by 13 per cent. across the country. I make particular reference to London, where the rate has risen by 16 per cent. The story is also one of closures of smaller maternity units. Indeed, Lord Darzi's plans open the door for the closure of up to 10 obstetric or maternity units in London. That would have a profound effect on an area whose problems have already been highlighted.

We also have a shortage of midwives. There has been a 4.5 per cent. increase in the number of midwives over the last 10 years, but recently the number of midwives has reduced by 87. I have heard Ministers quote the number of midwives. The trouble is that we hear about the number of midwives and not the number of full-time equivalents. The latter number is what matters when it comes to providing care for women in labour.

We also have a retirement bulge coming up. The Royal College of Midwives estimates that half our midwives will retire in the next 10 years. Furthermore, there are reductions in the money available for maternity services. They used to take 3.1 per cent. of the total NHS budget, but now, that figure is down to 2 per cent. The ratio of midwives to women is also going in the wrong direction—it is getting worse, not better. Moreover, we have problems with staffing levels. The Healthcare Commission's report on maternity services associated poor staffing levels with poor performance. In addition, there has been a 16 per cent. drop in training places in the last two years.

Other issues have been raised. I have mentioned that of premature babies, particularly premature twins, which the BLISS report, "Too little, too late?", has highlighted. Some 35 per cent.—more than a third—of sets of twins are looked after in separate units. One can only imagine the trauma for a mother who, having just given birth, has to visit her two children in two separate hospitals. There is also a problem regarding the number of consultants coming through to train as obstetricians. The Royal College of Obstetricians and Gynaecologists estimates that the number of students putting themselves forward for training has gone down from 4.8 per cent. to 2.8 per cent. The issue frequently raised is fear of litigation.

The hon. Member for Romsey mentioned caesarean sections. A quarter of women now have caesarean sections; in 1980, only 9 per cent. did. The current figure is well above what we should expect. We must also consider the issues associated with mental health and breastfeeding; in particular, we must consider those women in society who are vulnerable and hard to reach, and who often have a number of other related problems in raising their children.

I finish by referring to what Dame Karlene Davis, General Secretary of the Royal College of Midwives, has said on this issue. The RCM has welcomed the "Maternity Matters" report, but Dame Karlene, summing up the problems identified in the report so well, says:

> "It also shows that everything is far from rosy in the garden, and it should be a wake-up-call that jolts the Government from its slumbers. They need to rub the sleep from their eyes and reverse the lack of action on maternity services and galvanise the NHS. They are sleeping while mothers and babies are not getting the high quality care they deserve, while maternity services are crumbling and while midwives are working themselves into the ground."

This is a wake-up call for the Government. All that I ask of the Minister is that she tell me what she and, indeed, the Government have been doing for the past 10 years. The problems that we are discussing are not news—they have been around for the past 10 years. Will the Minister therefore tell me what she is going to do about increasing the number of midwives and the percentage of the NHS budget that goes into maternity care? What is she going to do about giving women the choice that she has promised?

10.50 am

The Parliamentary Under-Secretary of State for Health (Ann Keen): I congratulate my hon. Friend the Member for Leyton and Wanstead (Harry Cohen) on securing a debate on the important subject of maternity services in the NHS, and on his fortuitous timing. As always, he has put his finger right on the button. I appreciate all the comments that have been made and I congratulate all Members who have spoken. I particularly congratulate my male colleagues on showing such a remarkable interest in childbirth, as we knew they would, and on being so supportive of mums and families. Members have always held this issue in the highest regard because of its personal nature.

I congratulate the hon. Member for Cities of London and Westminster (Mr. Field) and I wish him and his family well. I should add, however, that the comments that he mentioned should not have been

made about the NHS. There is great joy and happiness every day, hour and minute in the NHS and in the independent sector, although there are also tragedies in both sectors. It would be unfair of me not to acknowledge that the NHS is the safest place in this country to give birth, and that is well acknowledged and well recognised. In whichever sector someone chooses to have their children and the marvellous experience of childbirth, they should always expect safety. I hope that the hon. Gentleman will take the case that he raised to the trust and that there will be a satisfactory outcome, given that the care received by those involved appears, from his description, to have been totally unsatisfactory.

Last Friday, the Government announced the funding for maternity services for each of the next three years, which totals more than £330 million. That funding will ensure that mothers get the best possible care and are guaranteed a full range of choices. Trusts will have access to that additional money from April.

Anne Milton: Will the Minister give way?

Ann Keen: Just for one second, because I have very little time to cover all Members' comments.

Anne Milton: What percentage of the NHS budget will that money represent?

Ann Keen: I shall deal with that if time allows.

Ensuring that all women and their babies and families receive high-quality, safe and accessible maternity care is a top Government priority. Of course, we have a rising birth rate, which always seems to be the case under a Labour Government—perhaps people feel safer and more secure in their employment and that their families will be cared for financially, so they continue to increase the size of their families.

The recent Healthcare Commission survey of mothers' experiences showed that 89 per cent. of women are pleased with the care that they receive when they have a baby. That shows that there has been improvement since the survey of maternity services undertaken by the Department in 2005, when 80 per cent. of women said that they were satisfied with the maternity services they had received.

It is worth putting on record that, on publishing the findings of the maternity services review, the chief executive of the Healthcare Commission said:

"Being put in the least well performing category does not mean that a service is unsafe. If we believed any unit to be unsafe, we would take immediate action to ensure patients were protected. We would not hesitate."

It is important that that be put on the record, because women and families will be watching this debate, and it is essential that Members on both sides of the House unite in saying that the United Kingdom is one of the safest places to give birth. That will have an impact on the recruitment of midwives, which is so important to us all. If a negative view is promoted that does not show the true picture of maternity services in the health service, that could have a knock-on effect on recruitment.

I therefore encourage all those Members who have participated in the debate and all those who have shown an interest at other times to help us work on work force planning with the Royal College of Midwives. The RCM is often quoted, and Dame Karlene Davis deserves to be quoted. As she has said:

"This review provides a good base to measure Trusts' delivery of maternity services, and it is encouraging that over half of the Trusts are performing well."

We must remember that this country remains among the safest in the world in which to give birth, and it is Dame Karlene's members, as well as doctors, who provide the services.

My hon. Friend the Member for Carlisle (Mr. Martlew) congratulated Cumberland infirmary this morning, and I look forward to visiting there to acknowledge its work myself. My hon. Friend the Member for Stafford (Mr. Kidney) certainly supports his local service, and he has raised concerns about premature births. I am of course aware that the hon. Member for Banbury (Tony Baldry) will be giving evidence to the independent panel tomorrow, and it is fortunate to have him there. The hon. Member for St. Ives (Andrew George) mentioned a number of issues, but I shall need to write to him about them, given the time restrictions.

My hon. Friend the Member for Stroud (Mr. Drew) raised some important mental health issues. Following the publication of "Maternity Matters", which also covered mental health issues, we should never underestimate the fact that although births go well for many mums and families, they can be a traumatic time. Some aspects of the mum's mental health have been ignored in the past, and we encourage all commissioners to be very much involved in providing integrated maternity services, as part of the maternity mental health networks.

In the time that remains, it is important that I look at some of the other issues that have been raised. In my area, West Middlesex University hospital is part of the UNICEF baby-friendly scheme. My hon. Friend the Member for Stafford, among others, has worked hard on the issues of breastfeeding and a breastfeeding manifesto, and he should be congratulated on that.

There has been much change since I worked in the health service, and there was much change in the '80s and '90s, when closures were a significant aspect of meeting financial need. Today's reconfiguration of many services, however, is clinically and locally led. Maternity units are special to their local communities. "Maternity Matters", "Changing Childbirth", which has been mentioned, and past Health Committee reports have all shown the great significance of change to the way in which we manage maternity care for mothers and babies.

The work of paediatricians and health visitors, which Members have mentioned, is very important, because there are still inequalities between families. We have heard reports today about how migrant mums have made a difference to some aspects of our maternity services. However, we should remember that we have a migrant work force in the national health service and that the NHS has provided excellent services throughout the years since its inception in 1948. As we go into the 60th year of the health service, we can be proud that we are the safest country in the world in which to give birth—much safer than America and France. We should be proud of those figures.

[Alan Keen]

When things go wrong, it is important that clinical areas are monitored differently, because such experiences are totally unnecessary in today's health service, and I look to local management and local leadership to put such things right. I also look to all Members to work with us in the next few months, when we will be ready to launch a bigger recruitment campaign. There is difficulty recruiting, but we must acknowledge that, look at the reasons why and put in every effort to change things. NHS London is certainly doing that, and I shall be happy to let Members know of the work that is taking place.

It is for all of us to raise concerns, but we should not be negative, because there have been improvements. We need to work together to ensure that we recruit and maintain midwives, and that we acknowledge and thank them for their continuing work. I thank my hon. Friend the Member for Leyton and Wanstead for raising such an important debate today.

Gaza

11 am

Jeremy Corbyn (Islington, North) (Lab): I am very pleased that we are having this debate today, but sad about the situation facing the people of Gaza at the moment, which is nothing short of a humanitarian crisis. A very large number of people are living—or surviving—with shortages of medicines, food and water and with regular cuts in electricity supplies. Much of this was debated last week during the Westminster Hall debate on the Foreign Affairs Committee report "Global Security: The Middle East". I am pleased that we can return to this subject today, because I want to put a number of specific points to the Minister.

As one who has had the good fortune to visit Gaza, on three occasions, as I told the Chamber last week, every time I go, I leave feeling that the situation is appalling, and each time we return, it appears markedly worse. I suspect that the situation now is as bad as it has ever been. Some very sad news was reported on all the media this morning. I quote from the al-Jazeera website:

> "The United Nations Security Council has abandoned efforts to adopt a statement on the crisis in the Gaza Strip caused by an Israel's blockade after the US refused to support it."

I would be grateful if the Minister could give us some hope of a possibility of returning to that matter and of the UN Security Council coming to an agreed position. It is more than sad that on an occasion as serious as this the UN is apparently unable to come to a decision.

For the record, Gaza is a 225 km rectangle originally occupied in 1948 when large numbers of Palestinians were removed from what is now Israel and sent there. It has been a part of Palestine ever since. It is one of the most densely populated places in the world and requires a large amount of aid in order to survive. Its economy is dependent on the ability of Palestinians in Gaza to cross into Israel, where in the past they could work, and of those who produce manufactured goods or grow food on its small farms to export their goods. Traditionally, it has relied on fishing, which is now limited to a very small inshore area, where stocks have more or less disappeared as a result of over-fishing. They cannot fish anywhere else because they are surrounded by the Israelis.

Two weeks ago, the state of Gaza, which effectively is a prison under siege from the state of Israel, changed dramatically when a number of people broke down the wall at the Rafah crossing in the south and crossed into Egypt. The exact figure is unclear, but it is possible that more than 500,000 people—one third of Gaza's population—have already crossed into Egypt. Furthermore, a large number of people have crossed from Egypt into Gaza, via Sinai and the Rafah crossing. There are many family connections on both sides of the border owing to the original connection between Gaza and Egypt. There are reports that Egypt will attempt to reclose the border between Gaza and Egypt, and if it succeeds, Gaza will once more become a complete prison, and it will be impossible for anyone to pass in or out.

It is very hard for us in this country to understand what it is like to live in what is effectively a prison. People cannot travel in or out; our only life would be television and computers, if we had electricity to turn them on, and watching the world through the internet.

There is something deeply poignant about that. Having visited Gaza on a number of occasions, two of my most enduring memories are of talking to an elderly lady who described her life since 1948—all her children had either gone abroad or were in prison in Israel—and of talking to a group of young teenage girls, to whom I said, "What are your ambitions in life?", to which they replied, "To visit Gaza city". That was in Rafah. It is no distance at all, but they could not face the roadblocks. Their whole life was this very small dusty town in the southern end of the Gaza strip.

Israel claims that it is necessary to close off the Gaza strip because of rocket attacks made from the northern part of the strip into Israel. Every one of us in this Chamber will absolutely and unreservedly condemn those rocket attacks. We are not here to endorse such activity; it is completely wrong and I am not attempting to defend it in any way. However, I would point out that the casualty rate—deplorable as it is—of Israeli civilians killed by those rocket attacks is matched many times over by the number of people in Gaza killed by aerial bombardments, targeted assassinations and drones in the sky aiming to take out what are believed to be people preparing rocket attacks. The death rate in Gaza is very high, which obviously is terrible for the people of Gaza. The solution is neither the continued imprisonment of its people, nor the continued firing of rockets or bombardment of buildings in Gaza, but a political agreement that brings about some kind of justice for the people of Gaza and indeed all Palestinians.

When the Palestinian elections were held, first for the presidency and then for the Parliament, many international observers were present, including myself, my hon. Friend the Member for Birmingham, Northfield (Richard Burden) and other MPs. We observed the elections and could not honestly say that there was anything wrong with them. They were incredibly well run with unbelievable attention paid to the minutiae. The people of Gaza voted largely for Hamas, as was their right—in fact, Hamas won more than half the seats in the west bank and Gaza.

Last December, I received a letter from the Foreign Secretary, after he had promised to write to me following a question that I asked about members of the Hamas-led Palestinian Legislative Council. He pointed out:

> "Since 28 June 2006, the Israeli Defence Forces have arrested 39 Hamas Palestinian Legislative Council members. Wasfi Kabaha, Nasser Al Shaer and Samir Abu Eisheh, all former Ministers of the then Hamas-led Palestinian Authority have since been released."

The letter goes on to state that a number of them have not yet been charged and are still held in custody.

We cannot stand by and allow elected members of a fellow Parliament to be arrested and held without charge or trial in Israeli prisons. I am a member of the Inter-Parliamentary Union Executive, and every time we meet we discuss human rights issues facing fellow parliamentarians around the world. More Palestinian legislators are in prison than legislators from all the other Parliaments in the rest of the world put together. Surely that is cause for very deep concern. I hope that the Minister will tell us that serious pressure has been put on Israel to release those parliamentarians.

There is also a question about the strategy followed by the west since the Annapolis summit. We want peace and justice for Palestine. It seems that since the election of the Hamas-led Government there has been a process of denying Palestine aid and of refusal to recognise, negotiate or deal with Hamas, on the grounds that it does not unreservedly recognise the existence of the state of Israel. That is not to say that there are not elements in Hamas who want to hold negotiations and make some progress. However, the strategy of cutting off all links with Hamas, thereby cutting off all links with Gaza and acknowledging the Israeli sealing of the Gaza borders, is bringing not peace or justice, but a humanitarian crisis. It does not reduce support for Hamas either; in fact, it is probably having the opposite effect of increasing support for Hamas in Gaza. The reasons why Hamas won control in Gaza by elected means were first, they were not corrupt and secondly, they were delivering real social and health services for ordinary people. The Israeli strategy is clearly illegal under international law. Indeed, the UN representative there has said as much.

The question of settlements is a serious one. When Israel agreed to withdraw its settlements from Gaza, it reluctantly did so, but they were for the most part withdrawn. However, the number of settlements has increased on the west bank, and while the settlement policy is allowed to continue, settlements continue to grow and Israel is able to benefit economically through the exports from those settlements, which increases tension in Gaza and throughout the middle east. Unless something is done to force Israel to withdraw the settlement policy, we will have problems in the long term.

There are International Development questions later this morning, when I shall raise some questions on the Floor of the House, but my more immediate point is that by closing the area's crossing point between Gaza and Israel, no goods can get through and no food can get in. By cutting off power supplies to the strip, there is unbelievable hardship within that area.

Last Saturday, a group of humanitarian organisations in Israel, led by the revered and highly respectable Uri Avnery of Gush Shalom, organised a convoy of relief aid that was collected by ordinary Israelis who were disgusted by the activities of their Government. Those people attempted to go to the area's crossing point and take in the humanitarian supplies, but I received a message yesterday from Uri Avnery, who said:

> "On Saturday the army representatives at the Erez checkpoint indicated that Monday our truckloads of relief would go through. We didn't rely on this vague promise too much but gave it the benefit of the doubt. After all, we also heard...that PM Olmert had told him personally that our relief would be let through. Meanwhile, Monday passed and the goods did not go through.
>
> While we are still in negotiations with the army and busy mobilizing Knesset members we would very much want activists abroad to strengthen the demand of 'Let the convoy pass'."

They are also preparing a case to go the Israeli supreme court. His draft letter says:

> "I am writing to urge you to authorize without further hindrance the entry into the Gaza Strip of the humanitarian goods carried in the convoy of Saturday 26"—

January—

"2008".

[Jeremy Corbyn]

They have since been held up, and the convoy includes all necessities.

I also received a message from Mohammed El-Rantisi and his family. In an e-mail describing the situation he said:

"We struggle to secure the basics if we can, to light at night, to have bread, simply every thing in Gaza runs either on Gas or Benzene. Even going to work is a story as most cars stops. The elevator at work is not working and I have to go to the 5th floor in darkness walking. My father is suffering from a type of cancer, we cannot find his medicine. My daughter is suffering from low hearing and I would like to go to Egypt for a better treatment. I am in a better position than many other people. At least I have a salary at the end of every month."

That means he is one of the less than 20 per cent. of people who are in work. He continued, saying that

"others do not have money, they lost their jobs because the raw materials are not permitted into Gaza. The unemployment reached about 80%. Patients in hospitals are in a real danger as electricity is cut so often and also medicine is not available. I was surprised when my kid Ahmed 5 years old asks 'is there bags dad in Al Arish?' His bag is torn!"

Ordinary life for those people has been destroyed, and something must be done about it.

I have some specific questions. Do the Government share the assessment that Israel's blockade of Gaza amounts to collective punishment within the terms of the fourth Geneva convention? The Prime Minister stated in December that the UK would provide about £243 million in aid to Palestinians if the conditions existed for aid to have any impact. Has that aid got through? If so, will aid continue to get through?

The number of people killed in the Gaza strip since the Annapolis conference is 136. Some 360 have been injured, 76 have been arrested and there have been 415 Israeli military attacks on the strip. There are 1,500 patients who need treatment outside the strip, 322 who need urgent treatment and 470 cancer patients who are suffering. That is a dreadful situation, but it will be dealt with only politically. We need the utmost pressure to be placed on Israel to lift the siege, lift the sanctions and negotiate with Hamas. We also need progress. If the UN's John Dugard says that he believes Israel is in breach of the fourth Geneva convention on the illegality of collective punishment, what is being done about it? Additionally, what sanctions are we prepared to impose on Israel?

My views are shared by many ordinary and decent people in Gaza and by humanitarian organisations throughout the world who want peace and justice. Are we to watch the disaster unfold before our very eyes on our TV screens, or shall we, politically, do something about it?

11.16 am

The Minister for the Middle East (Dr. Kim Howells): I congratulate my hon. Friend the Member for Islington, North (Jeremy Corbyn) on securing this important debate. I know how passionately he feels about the plight of the Palestinians, and that he understands the need for urgency and care in resolving the long-standing political and security problems that continue to generate the crisis in Gaza. He is right to describe it as a crisis.

The Government recognise the impact and scale of the problems and the need to address all of them. We understand the political and economic pressures that nurture and drive them, and that, for example, Israel has a right to defend itself against rocket attacks. I join my hon. Friend in deploring the fact that so-called rejectionist Palestinian groups—including Hamas, I am afraid—fire those rockets indiscriminately from Gaza, with the intention of killing and wounding Israeli civilians. However, in the course of self-defence it is imperative that Israel remain committed to undertaking its obligations under international law. The United Kingdom continues to monitor the humanitarian situation in Gaza, and my right hon. Friend the Foreign Secretary has said clearly that restrictions on fuel supplies will not achieve Israeli security. He is dead right. Nor will the political aspirations of the Palestinian people be furthered by rocket attacks, so the United Kingdom urges restraint on all parties.

The humanitarian situation in Gaza is an immediate cause of concern for the Government. In statements made on 11 and 21 January, my right hon. Friends the Foreign and International Development Secretaries made clear our concerns. On 21 January, they said:

"We do not support Israel's decision to close all crossings into Gaza, preventing the delivery of vital humanitarian supplies as well as fuel to the Gaza power station."

Such restrictions have an impact on water and sewerage systems, both of which are powered by electricity generated from Gaza's power plant. On 20 January, there was a blackout in Gaza—apparently owing to reduced fuel supplies.

We welcome Israel's announcement that it will increase the amount of goods and fuel going into Gaza to pre-17 January levels, and we look forward to the resumption of normal operations of the crossings under Palestinian Authority control. Just two days ago, the Foreign Secretary, with his European colleagues in the General Affairs and External Relations Council, called for the continuous provision of essential goods and services, including fuel and power supplies, from Israel to Gaza.

I shall interrupt my contribution to answer the question that my hon. Friend asked about the UN Security Council resolution. I have not seen the wording of the initial draft, and I have certainly not seen the wording of the modified draft. My information is that all members of the Security Council except Libya had agreed to a text on Gaza. Libya made changes that were unacceptable to the United States, which was why the text fell. I shall examine the wording; my hon. Friend has been around a long time and he knows that words matters in such resolutions—people can become sensitive about them. I shall certainly try to find out what happened in the debate on the resolution.

Recent events at Rafah, where Palestinian militants smashed holes in the wall between Gaza and Egypt, have demonstrated yet again how incendiary the position is in Gaza. With his EU colleagues, my right hon. Friend the Foreign Secretary announced on Monday support for the Palestinian Authority's proposal to take control of the crossings, and we support the efforts of the Arab League, particularly Amr Mussa, in that respect. The EU is ready to consider resuming its border mission at Rafah, which has been dormant since Hamas took over Gaza last summer, as soon as conditions allow.

I understand the overriding imperative for the Palestinian people and their supporters around the world to advance a political settlement that affords them the justice, security and democratic rights that the great majority aspire to, but there is also a need to ensure in the meantime that life and limb can be sustained throughout the crisis that my hon. Friend described. The United Kingdom remains committed to supporting Palestinians in Gaza. We have pledged £100 million over five years to the UN Relief and Works Agency, which works to provide essential supplies and services to Palestinians in Gaza. Last year, the UK provided £15 million to UNRWA and a further £1 million to the International Committee of the Red Cross for its work in the west bank and Gaza. Another £15 million reached Palestinians directly from the UK through the European temporary international mechanism.

We can give that vital help, but it will not solve the problem. It simply helps people to survive in the meantime. We must understand that Gaza is an integral part of any future Palestinian state. It is crucial that we continue to strive for peaceful progress in the region, and Gaza cannot be separated from that progress. As well as the continuation of crucial humanitarian aid, the international community, Israel and the Palestinians must work for a peaceful, political solution involving all Palestinian people.

We welcome the efforts to bring Gaza further into the peace process. The situation there was severely complicated by Hamas's military takeover of the strip in June 2007, which caused the national unity Government to break down and led to Gaza becoming politically isolated. We continue to call on Hamas to adhere to the Quartet's principles of non-violence, recognition of Israel and acceptance of previous agreements and obligations, including the road map. Those principles are not set unreasonably high, and they remain the fundamental conditions for a viable peace process. A political dialogue is impossible as long as one party is dedicated to violence and the destruction of the other. The option of engagement is in the hands of Hamas.

The best way to provide a long-lasting solution to the political, economic and humanitarian situation in Gaza is to secure real peace in the middle east. Our aim is to help the peace process be sufficiently robust to survive any setbacks. Since Annapolis, there have been major setbacks. The bedrock of our approach to the middle east peace process is still to give unstinting support for the principle of a two-state solution, to give every support to those who are committed to peaceful progress in the region, and to support economic and social development across the occupied Palestinian territories.

The Annapolis conference, which took place on 26 and 27 November, saw substantial political movement. Prime Minister Olmert and President Abbas committed to meeting each other fortnightly and agreed to a joint bilateral steering committee for specific negotiations. Both parties renewed their commitment to the road map, with the United States providing a much-needed monitoring mechanism. The Paris donors conference in December raised more than £7 billion in pledges for the Palestinian reform and development plan devised by Prime Minister Salam Fayyad, including a significant and welcome contribution from regional partners. As the single greatest contributor at Paris and also through the EU action plan, the EU has demonstrated its commitment to the process.

The Annapolis negotiations are continuing, as is the financial support for Palestinian reform and development that is crucial to a successful peace process. Those are significant breakthroughs, and the UK stands ready to support that progress, but there is a long way to go. Israel must display to the world that it is prepared to take and implement hard decisions to achieve its road map obligations on settlements. We consider settlement building anywhere in the occupied Palestinian territories illegal under international law, including Israeli settlements in both East Jerusalem and the west bank. Settlement construction is an obstacle to peace. We support President Bush's view that there should be a complete freeze on settlement construction and that outposts should be removed. The Foreign Secretary has made clear our concerns on the matter to his Israeli counterpart, Foreign Minister Tzipi Livni.

The Palestinians, too, must step up their efforts to implement their road map commitments. A reformed Palestinian security force will continue to be the key to the success of the peace process. Militias and gangs that fire rockets and mortars indiscriminately at Israeli civilian targets must be prevented from carrying out their murderous activities by the Palestinians themselves. Israeli security and Palestinian hardship can be tackled only through a political process that creates an economically and socially viable Palestinian state, at peace with Israel. Those issues must be addressed together.

I appreciate the contribution that my hon. Friend makes. I assure him that we have exerted serious—as he put it—and consistent pressure on the Israelis either to charge the elected representatives of the people with a crime or to release them. He is right to pursue that point; the situation is unacceptable and does nothing for the reputation of Israeli democracy. We call on all sides to take the crucial measures, clearly set out in the road map, that will lead to peaceful co-existence between two viable states. I urge my hon. Friend to continue his work on the matter. I shall continue mine, and between us we will try to take a balanced approach that will bring relief to the people of Gaza and sustainable peace to the middle east in the near future.

11.27 am

Sitting suspended until half-past Two o'clock.

Hospices (Funding)

2.30 pm

Bob Spink (Castle Point) (Con): You will be deeply saddened to hear, Mr. Williams, that hospice funding is compromised. Unless action is taken, it will need a life support system. We all know that hospices provide high-quality, innovative care and that their services are free to patients and their families. The NHS has a commitment to providing palliative care to people with life-threatening illnesses. However, charitable hospices play a vital role by providing 80 per cent.—that is four out of five—of the UK's adult in-patient palliative care beds, as well as important day care services and care in people's homes. Every UK hospice has to raise, on average, £4,500 a day to provide that care, and £500 a day to maintain and develop their buildings.

The hospice service is growing, but the percentage of annual expenditure funded from Government sources in England has been falling for the past three years. It is now 32 per cent. for adult hospices and 4.5 per cent. for children's hospices, which are a different case. We can see the results of that fall: in 2005, 43 adult hospices in England were in deficit, whereas a year later that figure had risen to 52. Members will be deeply concerned about that, and no doubt we will hear about specific cases from the excellent Members who are present. Clearly, we need to understand what is happening and to find sustainable solutions. Hospices need to redouble their efforts to secure charitable funds, which are under increasing pressure in the current economic climate, but we must also take action on the provision of public funding.

Mr. Andrew Turner (Isle of Wight) (Con): Like many Members, I should like to pay tribute to the excellent care that hospices provide. I refer in particular to the Earl Mountbatten hospice on the island. It needs £3 million a year to continue providing the excellent care that it provides. Many of my constituents go to great lengths to raise funds for it. Last year, 5,000 people walked the Wight, which is more than 26 miles, raising more than £200,000. Does my hon. Friend agree that hospices such as the Earl Mountbatten provide an invaluable service?

Bob Spink: I anticipated correctly that Members would want to talk about their local hospices in this debate, and that is absolutely right, as there are some fantastic hospices around the country. I know that my hon. Friend has not only fought consistently and diligently for his local hospice, but has supported the hospice movement nationally, and I commend him for that.

The whole House will want to pay tribute to the hospice movement, including staff, volunteers and fundraisers. They are all stars and all deserve recognition for their efforts on behalf of people who are going through an unbelievably traumatic time.

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis): I congratulate the hon. Gentleman on securing the debate. I think that there is unanimity on the contribution that hospices make. We want more to be spent on hospices and for them to have a more secure future. I shall talk about that later. Does he accept that we need to consider the amount that has been invested in hospices in the past few years, which has increased, and the amount by which we want to increase it, rather than talking about the overall share of hospice funding? The share of funding depends entirely on the amount of money that hospices might have raised through charitable and other means. It is therefore slightly misleading to compare the share of overall resources.

Bob Spink: I accept what the Minister says, and he will make his case in his own way. However, I add that we have to consider whether the outputs that hospices deliver are appropriate and whether those that are met by the public purse are correct, auditable and delivered properly. We need to understand that the demands on hospices are increasing all the time because people are living longer and choosing better ways in which to end their lives. I know that the Minister agrees with me on this—so hospices might spend more money and replace more of what should be done in the NHS. They should be recompensed for that.

People go through an unbelievably traumatic time during their own death or the death of a family member. It is only those who go through such times who can really understand it. My beautiful sister Yvonne passed away just before Christmas, and her funeral, in Bradford, spoke volumes: it was attended by 800 people. She was a star, a wonderful mum and a great youth worker at her local church, hence the big attendance at the funeral service. She had been a district nurse for 30 or 40 years in Bradford, doing superb work, and she was just the same age as me. So, I do understand what families are going through when they have to fall back on hospice services.

I am grateful to Mr. Speaker for selecting this debate and to Members present for coming along and supporting it. I am particularly grateful to Havens hospices in Essex, whose representatives are here in force today, and to Help the Hospices and the UK hospice movement for providing me with information. There is no party political edge to this debate. The Government have made remarkable efforts to support hospices, and the Conservative Front-Bench team rightly sees hospice funding as a priority, so I warmly congratulate both sides. No doubt the Minister will set out the Government's achievements later.

David Taylor (North-West Leicestershire) (Lab/Co-op): Will the hon. Gentleman give way?

Bob Spink: I shall give way to the hon. Gentleman, who has always been a great supporter of the national hospice movement and his local hospice.

David Taylor: I am grateful for that comment. I declare an interest as a member of the Hospice Hope campaigning organisation in North-West Leicestershire. The hon. Gentleman said that there is no party political edge to this debate, and there really is not, either in this place or in wider Parliament. Does he agree that hospices, particularly children's hospices, are so embedded in the emotions, culture and lives of their local communities that they get huge and widespread support? The Rainbows children's hospice in Loughborough, which serves the whole of the east midlands and south Yorkshire, is currently seeking to raise £4 million under its building

for the future appeal. The local radio station, Radio Leicester, which is in its 40th year of operation, set itself a target of raising just £400,000 for that appeal, but it soared past that target and the £500,000 mark and is now almost at £600,000 as the appeal year ends. That is a measure of the support for hospices and children's hospices, and I am sure that the Government will want to reflect on that. What they did a few years ago in giving a short-term boost was very popular electorally, and could be so again.

Bob Spink: The hon. Gentleman is right to raise the issue of children's hospices, which are a very special sector of the hospice movement. It is much more difficult for the adult sector to raise funds. Donations and legacies to the adult hospice sector provide only 52 per cent. of adult hospice funding, whereas in the children's sector they provide 79 per cent. Clearly, there is a difference, which the hospice movement wants to resolve.

In the early 1990s, the children's hospice movement started to emerge strongly in this country, and the Little Havens hospice was built in my constituency. Children's hospices are different from adult hospices in many ways. However, both share the ethos of providing care during terminal illness and through bereavement, and of treating the whole person, addressing their unique physical, emotional and spiritual needs, as well as supporting those who love them. In addition to providing palliative care, they dispense cheer, optimism and fun in equal amounts. In the early 1990s, I secured the first debate in the House specifically on children's hospices, in which I highlighted funding issues. Since then, Little Havens has become an outstanding exemplar of all that is worthy and wonderful about all UK hospices. It serves a wide area and is much loved. It is part of the Havens hospice group, which includes Fair Havens in Westcliffe. Our local hospices are equally cherished, and we must ensure that they are equally well funded.

Annette Brooke (Mid-Dorset and North Poole) (LD): Will the hon. Gentleman give way?

Bob Spink: I shall just finish this point. I very much welcome the Essex Havens hospices initiative, which includes and overarches Fair Havens and Little Havens and brings them together. They are not in competition; they are equally wonderful and worthy.

Annette Brooke: I declare an interest, in that I am a patron of Julia's House, which is a children's hospice in my constituency. Its chief executive is concerned about Government funding from March onwards. Does the hon. Gentleman agree, bearing in mind all the wonderful work that hospices do, that such great uncertainty—right up to the wire—makes their work more difficult than it ought to be?

Bob Spink: The hon. Lady is extremely wise. She works in this area, and anticipates a point that I shall come to shortly.

Over the years, I have made many interventions and held debates on hospices. Last year, I took the Association of Children's Hospices and the indefatigable Andy Smith of Little Havens hospice to see Tony Blair. The then Prime Minister was magnificent. He tossed aside his bureaucrats' objections and gave the £27 million that we requested to fill the three-year funding gap that had emerged for children's hospices. He set up a review of funding not just for children's hospices but for the whole children's palliative care sector, which supports some 20,000 life-limited children and their families each year. His courage and decisiveness were remarkable.

Subsequently, during business questions, the Secretary of State for Justice and Lord Chancellor, who was then Leader of the House—a great man, indeed—promised me a debate in Government time on this issue. It will cover the review set up by Tony Blair, the new Government strategy that has since been developed, and the solutions needed to protect the children's hospice movement's voluntary ethos while protecting the public purse. It will also cover how we can ensure that statutory sector providers such as the wonderful Diana teams are not driven out of existence for lack of funding. The new strategy must deliver fair play in funding for children's hospices, and for the children's palliative care sector as a whole.

I understand that the strategy has been finalised, yet no date has been given for its launch. I urge the Minister to reassure the House today that the strategy will be launched without further delay. Equally, can he state exactly how much money has been made available from the Department of Health to primary care trusts for short breaks for disabled children, which children's hospices provide, and for children's palliative care in general? The Department for Children, Schools and Families has stated that it is giving more than £280 million to local authorities for this purpose, and we believe that the Department of Health may have matched that funding, but we do not know. As yet, nothing has been confirmed. May I ask the Minister to tell us today—or, if he cannot, to write to me later—how much PCTs will actually get?

It would be wonderful if, starting today, we could see much-needed major funding increases for adult hospices. Let me give some general background. Hospices and palliative care were started by the superb and innovative British voluntary sector, which characterises Britain and helps make it great. Volunteers contribute massively to the hospice sector, which would not exist as it does without them. The Government now have a commitment to providing palliative care, but hospices have never, under any Government, been fairly funded for the services that they deliver. Hospice funding is locally negotiated on an annual basis with PCTs, so funding varies widely across the country and often changes from year to year. That makes it difficult for individual hospices to plan future services.

The Government have agreed that voluntary organisations that deliver public services should be paid the full cost of providing those services, including a proper overhead element. That goal was to be met by April 2006 but it was not achieved, and it is still not clear how the Government will ensure that PCTs deliver on the promise.

The Parliamentary Secretary to the Cabinet Office, the hon. Member for Corby (Phil Hope), replied to my parliamentary question of 21 January. He stated:

[Bob Spink]

"It is legitimate for third sector organisations to recover the appropriate level of overhead costs associated with the provision of a particular service. Third sector organisations are not expected to deliver a public service contract for which they are not reimbursed on a sustainable basis. We recognise the added contribution that some third sector organisations bring over and above the core requirements of public service contracts, for example, through the use of volunteers."—[*Official Report*, 21 January 2008; Vol. 470, c. 1545W.]

That certainly applies to the hospice movement.

Despite Government commitments to a level playing field for organisations that deliver public services, charitable hospices face extra costs that statutory providers do not. There is no mechanism to help hospices meet staffing costs or regulation costs such as Healthcare Commission fees. I ask the Minister to agree today that he will review the practice by which charitable hospices are charged the same amount of regulation fees as NHS or private sector health care providers. I hope that he will challenge the health care commissioner's decision, which is patently unfair. Hospices cannot recover the cost but other organisations can. Hospices raise cash to care for terminally ill people, and, in so doing, take a massive burden off the state. It is rubbing salt in the wounds for the state then to demand payment from the hospice sector for the privilege of delivering that service and taking that burden off the state. A bit of joined-up government is required, and I am sure that if the Minister can—he may have constraints—he will look at that. The NHS does not pay regulation fees out of its budget, and the private sector can and probably does bill its clients in full for its regulation costs. I hope that the Minister will give an undertaking on that.

From 2008-09, fairer funding for palliative care was to be achieved through payment by results. That system should be based on agreed national costs for specific services. It should be auditable to protect the public purse, and it should ensure that hospices are paid for providing services. However, the timetable for implementing the system is no longer in place. While hospice funding will be considered as part of the Government's forthcoming end-of-life care strategy, it remains unclear how the Government will meet the cost of care provided by hospices on behalf of the NHS. I respectfully ask the Minister to clarify the policy on that.

I shall try to rush through, Mr. Williams, as many Members wish to speak. The public cherish our hospice movement, as I know you do, sir. An independent survey found 97 per cent. satisfaction among people whose loved ones had received hospice care. Would that the NHS had such satisfaction levels, although I praise and congratulate the hard-working and dedicated doctors and nurses in the NHS.

May I quote *The Guardian*—I do not often do that—of 9 April 2007? It stated:

"An Ipsos MORI poll commissioned by the charity"—

Help the Hospices—

"found more than three-quarters of respondents said the government should pay at least half the cost of hospice care."

I accept what the Minister said about arbitrary and unfair funding and not protecting the public purse. We have to find a formula to provide funding on a rational and fair basis. The quote to which I referred continued:

"But adult hospices in England receive on average just a third of their costs from the government, with some receiving much less. Most are suffering a real-terms cut in funding."

Let me cut to the bottom line. Hospices are not asking the Government to meet all their costs, but just to give fair payment for services that the NHS would otherwise have to provide. As the current Prime Minister promised when he was Chancellor—he made the promise to me personally—

Mr. Lewis: A great man.

Bob Spink: A great man, yes. I am tempted to bring in other promises that the Prime Minister made. The European Union debate is going outside this place.

The gap between what hospices in England spend on NHS patients and what the NHS contributes is estimated to be £150 million to £200 million a year and it is widening, according to the National Council for Palliative Care's submission of 1 August 2006 to the end-of-life care strategy. The Government have indicated that they will undertake funding for hospices as part of the end-of-life care strategy announced in July 2006, but we still need to see the colour of the money. We need urgent action to ensure that hospices, which are now sinking faster and deeper into deficit, can at least maintain current levels of service. We do not want to see cuts. We must all accept that the services that hospices provide will probably grow in future, and that is what we want to see.

There can be no doubt that the hospice movement needs Government action now. The Government must provide full, fair and nationally consistent payment for the care that is delivered by charitable hospices on behalf of the NHS. They must ensure that future funding arrangements are flexible enough to enable hospices to provide high-quality sustainable services, whether in a hospice building or in the patient's home. The Government must continue working with all palliative care providers to determine how they will meet the costs of core hospice services, as part of their commitment to patient choice at the end of life and as part of the anticipated end-of-life care strategy.

We would like to see the Government back their commissioning guidance with stronger enforcement to ensure, for instance, that PCTs always offer hospices funding contracts for at least three years, that funding is agreed before the start of the financial year, and that payments are met on time to enable financial planning and security and to prevent cuts.

Mr. Mark Francois (Rayleigh) (Con): I am grateful to my hon. Friend for giving way. I apologise to him and to you, Mr. Williams—I am involved in the debates in the main Chamber on the energy elements of the Lisbon treaty, so I am just nipping in to make a point and then nipping out. I mean no discourtesy and I hope that other Members in this Chamber will understand what I am trying to do.

I support my hon. Friend, particularly regarding the point that he just made about primary care trusts supporting hospices. I hope that the South East Essex primary care trust will do more to support Fairhaven hospice, which is local to my hon. Friend and to our colleague, my hon. Friend the Member for Southend, West (Mr. Amess). Fairhaven is an important hospice

that does good work. I hope that the PCT will take that into account, even though it is under financial pressures of its own, in helping that hospice to do so much good work for people who so desperately need its help.

Bob Spink: I am grateful to my hon. Friend and parliamentary neighbour for supporting this debate. We had a meeting with our local hospices just a week ago, and we both know about the superb work that they do locally. I will come to that in my concluding remarks.

I hope that the Minister will agree to meet a delegation from the adult hospice movement to discuss these issues and share a cup of tea. I suspect that he will; he is a highly distinguished Minister and a caring man. After I have said that, he can hardly deny me the meeting. We must ensure that solutions continue to be developed to the adult hospice funding problems, just as we are doing for the children's hospice sector.

I thank Members for their patience in listening to me today and for their support, and I thank all those who work with or raise funds for the Havens hospices in Essex, which my hon. Friend the Member for Rayleigh (Mr. Francois) has just mentioned. He will agree that they are all true stars.

Several hon. Members *rose—*

Hywel Williams (in the Chair): Order. I remind Members that we intend to start the wind-ups at 3.30 pm. I therefore appeal for contributions to be brief.

2.53 pm

Ian Stewart (Eccles) (Lab): First, I congratulate the hon. Member for Castle Point (Bob Spink) on securing the debate. He and I do not always agree, but on this issue I fully support him and the comments he made during his contribution. He must be congratulated on his sustained and powerful advocacy on behalf of the hospice movement.

I wish to recognise the wonderful work of the hospice movement in general and specifically the work of the staff both at St. Ann's adult hospice and at Francis House children's hospice. I am conscious that time is limited so I will mention only St. Ann's adult hospice, but my comments apply equally to Francis House children's hospice.

I welcome the Government's investment in hospices, including the recent £50 million for refurbishment, and for their end-of-life care strategy. However successful our preventive health strategies may be, there comes a time when we have to deliver for the people both the choice of where, and the way in which, they die. That is vitally important for those of us who have gone through the hospice system with our loved ones who have come to the end of their lives. It is only when we go through that process personally that we fully understand just how wide and deep the provision is in the hospice movement. That applies not only to the patient—the person coming to the end of their life—but to other family members' experience of a hospice, which is equally important because it sets the attitude of families about the hospice movement and the contribution that it makes to health and end-of-life care. The hospice movement helps to deliver dignity and respect and a death that is as pain-free as possible. That is a significant challenge for any health care provider.

Although many people express a preference to die at home, we all know the high regard that patients and relatives have for our hospices, which are a source of expertise and solace. They offer outreach work for those who are dying at home and they also offer training, both of which are greatly valued.

I would like to mention the work done by St. Ann's hospice and I am sure that my neighbour, the hon. Member for Cheadle (Mark Hunter), will also support it. He has actively provided excellent support for the hospice movement, particularly St. Ann's. I try, in my own way, to help co-ordinate information going to all Greater Manchester MPs from all parties. Although this is a very political issue, it is a non-partisan one.

St. Ann's hospice, under the excellent stewardship of its chief executive, Terry McDonnell, serves my constituents and all residents of Greater Manchester. St. Ann's is one of the largest adult hospices in the UK with 60 in-patient beds. Although cancer-related conditions account for about 95 per cent. of all hospice admissions, St. Ann's services are available to patients with any life-threatening illness. The hospice provides care free of charge to more than 3,000 people each year across three sites. Some 42 per cent. of patients admitted to St. Ann's Hospice return home after treatment. Patients are involved with their personal plan of care, which is tailored to meet their needs.

St. Ann's was voted the second-best company to work for in Britain in 2005—not only the second-best hospice—and has been listed by *The Guardian* as one of Britain's top employers in 2007. On my regular visits to St. Ann's I am always struck by the dedication and expertise of the staff and the atmosphere of serenity and, perhaps strangely, conviviality, experienced by my family and others.

The hospice movement leads the way in palliative and end-of-life care. It needs more Government assistance, but it must remain independent to be free to develop innovative practices from which the NHS can learn and benefit. Like other hospices, St. Ann's needs to raise £16,000 a day, every day, through voluntary contributions to offer its wide range of services. It costs £8.75 million to run the hospice annually and 35 per cent. of that comes from the Government. More than 80 per cent. of every pound of its income is spent on patient care. Good quality care does not come cheap. For example, £97 pays for one out-patient session; £63 will cover the cost of one session with a bereavement counsellor; £265 is the cost of looking after an in-patient for one day; and it costs £500 to run one of the hospital's ambulances for two months.

Briefly, there are still problems. I congratulate the Government, as Opposition Members have done, on the improvements that they have made. However, my constituent, Frances Green, lost her husband Denis recently. She knew that he was dying and had to be taken to St. Ann's hospice. St. Ann's tried to get an ambulance to take him from home to the hospice but could not, so the family had to ring the normal ambulance service and explain that the hospice required him to be taken there. For them to be told that there would be no ambulance available from the time

[Ian Stewart]

they phoned, around 1 pm, until 12 midnight is unacceptable. We must look not only at the hospices, but at the surrounding services that families need to call on.

Needless to say, St. Anne's is as inventive as anyone in raising funds, but it believes that the Government should give more money to hospices, and I support that view. Our hospices offer a wonderful service, but they could do even better if they knew that their funding was secure, and could channel all their energy into delivery of care for patients and their families. The way in which we treat family members of someone who is receiving end-of-life care and palliative care is a measure of our society and decency. I know that the Government, particularly the Minister—we have been together to the Rainbow Trust and other hospice movement events—are sincere. We must turn that sincerity into an identification of how we can improve the situation and the relationship between the hospice movement and families, and the hospice movement and the NHS. I hope that the Minister will listen carefully to the points made by the hon. Member for Castle Point, and I hope that he will address the issues that I have raised. I know that he will try to do so.

3.1 pm

Mr. David Amess (Southend, West) (Con): I congratulate my hon. Friend the Member for Castle Point (Bob Spink) on securing this timely debate, and I agree with everything that he said. I am delighted that my hon. Friend the Member for Rayleigh (Mr. Francois) was able to intervene. My hon. Friend the Member for Rochford and Southend, East (James Duddridge) would have been here, but his wife has just had a baby, so I am sure that hon. Members understand why he is not.

No hon. Member this afternoon will say that hospices are not wonderful, and the Government think that they are wonderful. All that is understood, but I want to ask the Minister for something. There is no point in hon. Members having Adjournment debates if we just read out our speeches and send out press releases, and they are then forgotten about. I like Adjournment debates that achieve something tangible. I achieved something tangible when I raised the subject of St. Luke's hospice on 24 May 1985. The then Minister who responded, now Lord Patten, listened to me and delivered.

The Minister will gather that there is a particular crisis in funding in Essex, which I raised in a pre-Christmas Adjournment debate. The conscientious deputy Leader of the House referred the matter to the Secretary of State for Health, and a letter arrived from him two days ago, which I am pleased with. However, as the Minister said during his intervention, the answer is: "Yes, the Government support hospices; yes, the Secretary of State is getting more money from the Treasury, but at the end of the day it is down to the primary care trust."

I am looking the Minister in the eye and saying that that is a cop-out. The Government say that they are giving more money to the primary care trust, which is responsible for deciding how it allocates it, and that is technically correct. I ask the Minister to listen to what I and other hon. Members have said, and to give a message, at least to my primary care trust, that it should be supported and receive more share of the cake. I am sure that if he gave that message, my local primary care trust would listen to it.

Dame Cicely Saunders was responsible for developing the hospice movement in the 1960s at St. Christopher's hospice in south London. That inspirational lady said that

"you matter to the end of your life. We will do all we can not only to help you die peacefully, but also to live until you die."

Until I became a Member of Parliament, I had no experience of the hospice movement. I witnessed a miracle in Basildon, because we had a plot of land and we built a hospice with no wealthy benefactors and no largess from this Parliament or the European Parliament. The Duchess of Norfolk opened it—

Mr. Ivan Lewis: Just before you left.

Mr. Amess: —and Princess Diana came to launch a strategy that we enjoyed in the hospice. St. Luke's hospice in Basildon has become an enormous success.

My next point for the Minister is that the role of hospices has changed enormously. They are no longer add-ons. They provide core services.

David Taylor: The hon. Gentleman is absolutely right. The service has developed to include day care, essential respite care, which is the most crucial of all, and terminal care, for which hospices are well known. Because of the value that hospices provide, we should be close to the last days of their finances depending on weekly raffles, cake stalls, and collecting tins. Important as those are, they should not provide core funding; they should provide add-ons to improve the quality of service, not the fundamental day-to-day, week-to-week funding of £50,000 a week that the Rainbows children's hospice in Loughborough needs merely to survive. That must not be allowed to continue.

Mr. Amess: The hon. Gentleman, as always, makes an excellent point. Fair Havens hospice in my constituency receives 72 per cent. of its funding from charitable giving, which is huge. The hon. Gentleman also made an excellent point earlier about children in hospices. We found locally that everyone will give to children's hospices, but it is a great struggle at the moment to raise money for hospices for older people. I represent the area with the most senior citizens in the country, and we have a particular crisis.

To return to the point that I want to make to the Minister, I have spoken about St. Luke's hospice in Basildon. He could not resist making his little gibe, but I just smiled broadly at his little joke. When I became the Member of Parliament for Southend, West, I was delighted to find that it already had a hospice—Fair Havens—which was founded 25 years ago by Dr. Michael Stuart and Mrs. Daphne Hall, two wonderful people. But 25 years on, it can no longer survive just on charitable giving. We have a real crisis.

The range of services is first class, as was the most recent Healthcare Commission inspection report. Fair Havens provides day care, community Macmillan nursing, home care, spiritual and pastoral support and diversional therapy treatment. When I think of those

heady days in Basildon, I remember the founder of St. Luke's hospice. Trudy Cox was a district nurse who, when out nursing once day, went into a lady's bedroom and found her dead with the children gathered around the body, not even realising that their mother had died. She resolved that she would never, ever allow anyone to die in such circumstances again. That is why she became so involved with the hospice movement, as did Cicely Saunders.

We have a crisis of funding. I have any number of testimonies to Fair Havens hospice's wonderful work in Southend. It costs £2.6 million a year to run with only £600,000 provided by the Government. During 2007, Fair Havens has experienced progressive difficulties in fundraising. I am not being party political, but the worldwide economy is in difficulty, so we are finding that it is not as easy as it used to be to raise money locally, and that trend will continue.

The hospice receives a sizeable grant from the primary care trust, but it simply is not enough to cover costs. Fair Havens will experience a funding deficit of £250,000 in the period to 31 March 2008 and another £250,000 shortfall soon after, bringing the total deficit to £500,000. Although the funding that it receives from the PCT has increased by 8 per cent. in cash terms over the past four years, that funding has decreased by 6.8 per cent as a proportion of total care costs.

The reasons for that are clear: increased demand, the negotiated contract with doctors, increasing salaries for nurses—a number of things have added to the financial crisis. At a time when Fair Havens has been increasing its services and stepping in to help plug the gaps that have been opening up in the publicly funded sector, it has suffered a real reduction in its funding from the PCT. Staff costs, have risen from £135,000 a year and will reach an anticipated £243,000 this financial year, which is an 80 per cent. increase. Without the staff, one can hardly run a hospice.

If the situation is not addressed, the number of beds at Fair Havens will have to be cut, the at-home service will be halted, the hospice's Macmillan nurses will find that they cannot be employed and the bereavement and family support services will also have to be cut. The hospice immediately launched a funding campaign and is trying to raise £250,000 by 31 March. The appeal has raised £32,000 and hopes to raise £100,000 by Valentine's day, and all local Members of Parliament will be supporting it.

To conclude, I repeat that there is no point hon. Members having an Adjournment debate if we simply smile at one another and share platitudes, but nothing happens. I ask the Minister please to send a message to my local PCT asking it to support Fair Havens hospice.

3.12 pm

Mark Williams (Ceredigion) (LD): It is a particular pleasure to serve under your chairmanship, Mr. Williams. I pay tribute to the hon. Member for Castle Point (Bob Spink) for securing this important debate. I know that he feels strongly about the issue and has a fine record of campaigning on it.

When I looked at the World Health Organisation's definition of palliative care, I was struck by the size of the issue. The definition referred to

"the active total care of patients whose disease is not responsive to curative treatment. Control of pain, of other symptoms, and of psychological, social and spiritual problems, is paramount. The goal of palliative care is the achievement of the best quality of life for patients and their families."

In practice, that involves a huge range of services, including occupational, physical and complementary therapies, as well as core medical services. It is a vast area, but care, by its very nature, must be tailored to the needs of individual patients, their families and carers.

In discussions with the hospice movement, all hon. Members will be clear that there must be a partnership between the national health service and the hospice movement. The movement strongly feels that it is best equipped to deal with the innovative practices that we need to develop, and I shall come later to how that work will be resourced.

Let me start, however, by paying tribute to the hospice movement, which has been at the forefront of developing special services and raising the profile of the care given to the dying. In my constituency, we are privileged to be served by the charity Beacon of Hope, which was set up in 2000 by Mrs. Elizabeth Murphy. The charity provides immediate comfort and ongoing practical support to people in Ceredigion with terminal and life-limiting illnesses. It subscribes to an holistic package of care, which complements nursing care and supports carers, and includes a volunteer service to help with respite, which is crucial, as the hon. Members for Castle Point and for Eccles (Ian Stewart) said. The charity also provides bereavement counselling and runs a limited benevolent fund.

Mrs. Murphy told me that the problem facing Beacon of Hope—the experience of many hospices across the UK—is that a range of possible funders will not fund capital or revenue costs. When asked what they fund, people say "Projects", but projects must surely involve a capital or revenue-cost dimension. Other funding streams, such as the lottery, are laudable, and I do not denigrate them in any way, but they have often changed their criteria for awarding grants. Some changes have hit hospices hard and caused immense frustration in the sector. Beacon of Hope secured a three-year voluntary community and sector grant of nearly £250,000 from the lottery, but that has now come to an end. The lottery's criteria have changed, and funding now comes through the people and places programme, which has new criteria, based on revitalised communities, improved community relations and enhanced local environments. That has not helped the charity to secure the kind of funding that it requires.

I was slightly surprised when the hon. Member for Castle Point talked about the proportion of funding that he was looking for, and I understand what the Minister said in his intervention. In the Welsh context, Beacon of Hope wants core funding in the region of 50 per cent. and is confident that it can continue to raise the sums it requires from its local community.

Bob Spink: I was trying to say that there should not just be an arbitrary percentage. The figure might be 40, 50 or even 70 per cent., but the point is that there should be funding from the public purse for the core services that the hospice sector provides and that the NHS would otherwise have to provide.

Mark Williams: I am pleased that the hon. Gentleman made that point, particularly given that some charities are looking for an upper threshold.

The sad reality for adult hospices in Wales is that only 36 per cent. of funding comes from the Government, and I gather that the figure is little more than a third for hospices in England. Beacon of Hope's running costs next year could amount to £400,000, not least because there is renewed demand for its work, which it hopes to expand much further.

That is not a criticism of the Government—I applaud what they have done, in so far as they have done something—but Government policy in Wales has been characterised by a series of not insubstantial yet, critically, one-off announcements that have not addressed core funding. Last October, funding of £2 million was announced and £10 million was announced in 2003, but the kitty is very limited and will not address concerns such as those expressed in Essex, which the hon. Member for Southend, West (Mr. Amess) mentioned.

I want to draw a distinction between hospices in urban and rural settings. Alarmingly, a 2005 report dealing with mid-Wales identified no palliative care service that met the definition of specialist levels of service across the whole of Powys and Ceredigion. That shortfall is now being partly met by charities such as Beacon of Hope and by the excellent Ty Geraint facility at Bronglais hospital in Aberystwyth, which was named after one of my predecessors in the House, and provides some palliative services.

I want to focus, however, on the challenge of providing hospice services in a rural area. The hon. Member for Eccles talked about the outreach work of St. Ann's in his constituency, but outreach work is hospice provision in rural Wales. Mrs. Murphy of Beacon of Hope told me that it is highly unlikely that there would ever be one dedicated building to provide services in a big rural area such as Ceredigion. Schemes such as the charity's palliative hospice at home service are much more responsive to the needs of community, and it is for such services that the charity needs its core funding. Beacon of Hope has recognised the importance of those services and last year set up a three-month pilot scheme, with two contracted nurses and 10 bank nurses responsible for 350 hours of care in some of the most remote rural communities that one could imagine. That is very important in areas such as mine.

As hon. Members have said, we are talking about lifting the burden from the national health service, which is why core funding is so important. In Wales, as in England, a review is being undertaken. The palliative care planning group set up by the Assembly is looking into the issues.

Hywel Williams (in the Chair): Order. I remind the hon. Gentleman that health is largely devolved, and not a matter for this place.

Mark Williams: Thank you, Mr. Williams. It is particularly appropriate that you should remind me of that. I was complimenting the experience of Wales and its interface with England. The message is the same. From whichever side of Offa's dyke we function, the issue is much more than the laudable shaking of collection tins on street corners; the need for core funding is something that Governments on both sides of the border must address. I wish the reviews the best of luck in both England and Wales.

3.20 pm

Mr. Angus MacNeil (Na h-Eileanan an Iar) (SNP): I congratulate the hon. Member for Castle Point (Bob Spink) on securing the debate, which highlights the real and valuable work that hospices undertake. I am aware that the hon. Member for Cheadle (Mark Hunter) is anxious to contribute to the debate as well, so I will be brief.

I want to highlight some of the difficulties that are faced by people who carry out valuable work, and in some cases good Christian work. The Bethesda care home and hospice in Stornoway on the Isle of Lewis is one such great example. It is a charitable institution that provides excellent and conscientious care. Based in the heart of the community, the hospice raises a lot of money locally for its vital work. I would not be surprised to hear that relatives of the Chancellor of the Exchequer, whose mother lives on Lewis, had benefited from the hospice's professional compassion. The funding and the services provided by the care home and others like it help the Government. Unfortunately, the help is not always reciprocated, although I am sure that is something the Government will try to rectify in the best way they can. I see that I have the Minister's attention on that point.

To meet the requirements of new legislation, the already excellent Bethesda care home and hospice has to upgrade its facilities and build an annexe, for which, unfortunately, it has to pay VAT. Although the institution already reduces the burden on the state, it will have to pay an extra £94,000 as the construction takes place. It has to pay VAT because there has been no decision from the relevant VAT office. I have a letter from the Financial Secretary to the Treasury, which starts, "Dear Angus" but then vacillates a little about the decision. In the last paragraph, as far as I and the chief executive of the hospice can make out, the Treasury seems to indicate that zero VAT would be appropriate.

Surely, when tax collectors vacillate, there is no case for raising the tax at all. The current indecision is costing £94,000, which should be used for patients. Worse, it will not be possible to claim or debit the VAT through the contractor, and the hospice will have to go through the long and tortuous process of VAT reclamation, if it is determined that zero VAT is the correct decision.

Should charitable institutions spend money, which has been raised through hard work and community good will, on VAT? I urge the Minister to use his powers and influence to push for the correct decision. We cannot continue with the current limbo that is costing us so much money. It is a scandal that such charitable institutions have to pay VAT. I am not asking for changes in VAT designations, I simply want to ensure that Bethesda is in the correct classification.

We do not want Bethesda to be taxed to a standstill. We want it to continue its good work. The hospice is valued in my constituency of Na h-Eileanan an Iar and provides a tremendous service on the Isle of Lewis. I commend it to all hon. Members as a great example of

what can be done when the will is right. I hope that the will of the Government—the Minister is nodding—is to achieve a zero rating and to help the hospice continue its good work.

3.23 pm

Mark Hunter (Cheadle) (LD): It is pleasure to contribute to this debate under your chairmanship, Mr. Williams. I congratulate the hon. Member for Castle Point (Bob Spink) on securing this important debate on hospice funding. I would also like to thank him for being one of the first MPs to sign my early-day motion, tabled last year, on St. Ann's hospice in Heald Green, in my constituency. This issue is very close to my heart and I and other Members feel very strongly about it.

I have visited St. Ann's hospice on many occasions and have seen for myself, in both a public and personal capacity, the truly exceptional work that hospices do and the difference that such provision makes for those in need of palliative care and their families. I continue to be genuinely shocked by the lack of Government support for all the hospices that play such a vital role in the national health service. Despite Government assurances that the voluntary organisations that deliver public services should be paid the full cost of providing such services, hospices still receive, on average, only one third of their total costs.

St. Ann's is a case in point. As the hon. Member for Eccles (Ian Stewart) pointed out, it receives only £3 million out of the £9 million that it needs each year, so it has to find the other £6 million itself. That equates to a whopping £16,000 a day. Surely the Government want such hospices to spend more of their time providing the excellent care that the NHS needs, rather than having to spend time and energy raising so much money each and every day of the year.

Charitable hospices provide 80 per cent. of adult in-patient palliative care beds, yet their funding has dropped in real terms over the past few years, leaving 28 per cent. of independent hospices in deficit in 2006. Palliative care is a core service for patients—it is not, and never has been, an optional add-on. If independent hospices cease to exist, the NHS will have no option but to pick up the slack. The Government should be acutely aware of that fact and address the funding shortfall while there is still time. We do not want excellent hospices such as St. Ann's and the others that have been mentioned today to be unable to continue because of short-sighted funding arrangements.

We are all aware that hospices ask only for a level playing field; they want to be treated in the same manner as other NHS service providers. Hospices such as St. Ann's fulfil a necessary function in a society in which debilitating and life-threatening diseases such as cancer are sadly on the rise, and they do so in a manner that is truly laudable. They provide a unique and personal service that improves the quality of thousands of patients' lives. They also support patients' families and carers. When the Minister responds, I hope that he can tell us what action the Government intend to take to put right this desperate situation, and to ensure that hospices get the stable funding regime they so desperately require.

3.58 pm

Greg Mulholland (Leeds, North-West) (LD): I congratulate the hon. Member for Castle Point (Bob Spink) on securing this debate, and I pay tribute to him for his consistent commitment to hospices. I also pay tribute to all the other Members who have contributed; they have provided powerful accounts of their experiences of the hospice movement in their constituencies. We are all very aware of the wonderful work that hospices do in dealing with those who have a terminal illness. Hospices provide not just palliative care but a whole range of services—a point that often does not come out—including not only skilled nursing care, pain relief and counselling, but activities such as art, music and physiotherapy. Of course, hospices offer services not only for patients but for their families, as other Members have made clear.

The key issue is, and the purpose of the debate is to discuss, the consistency of funding across the hospice sector. Members on both sides of the House have related some very interesting and concrete examples. Each and every hospice faces a struggle month on month, year on year, to secure the funding that it needs to continue doing its vital work. We have heard from Help the Hospices that, on average, just 34 per cent. of funding comes from Government—a little over one third. I think that we heard a slightly lower figure for Wales from my hon. Friend the Member for Ceredigion (Mark Williams). Of the £1.2 million needed by hospices every day, only £360,000 comes from the Government, so every day hospices have to find an extra £840,000 to carry on their work.

Inequality of funding—I am referring to the proportion of money that hospices receive—has been touched on. For some, it is potentially as high as 62 per cent.; for others it is considerably lower. My hon. Friend the Member for Cheadle (Mark Hunter) made the point, which was clearly not acknowledged by the Minister, that funding for hospices has dropped in real terms in recent years. That is putting considerable extra pressure on the hospice movement.

In speaking on behalf of my party from the Front Bench, I point out that I am proud to have a hospice in my constituency—Wheatfields hospice, in Headingley. Like the other examples that we have heard about, it does wonderful work in dealing with patients and their families in the tragic situation of the end of life. Wheatfields needs about £2.25 million every year to keep going, and the Wheatfields fundraising team has to raise approximately £1 million a year for it to continue its work. I have visited Wheatfields and seen the amazing fundraising operation—the remarkable and professional sales that it organises all week, and the twice-weekly public sales. It runs a joint lottery with the equally excellent St. Gemma's hospice, in the constituency of my neighbour, the hon. Member for Leeds, North-East (Mr. Hamilton). Together, they run a lottery and do so much for that area of Leeds.

The key point that has been brought out, particularly by the hon. Member for Castle Point but also by my hon. Friend the Member for Cheadle and others, is that we do not have equity with other areas. My hon. Friend said that there is not a level playing field, and the hon. Member for Castle Point referred to unfair treatment. The message is clear: there simply must be equity for hospices and other partially funded sectors of the health service. The reality is that we are talking about mainstream NHS palliative care. Unfortunately, the hon. Member for North-West Leicestershire (David Taylor) has left his place, but he

[Greg Mulholland]

put it very clearly when he said that fundraising should provide add-ons to core services, not the core funding itself. Many people in this Chamber will feel that that was an astute analysis.

Sue Ryder Care has estimated that the state receives about £200 million-worth of palliative care from the hospice sector at no cost to itself. That is the level of contribution that the sector makes. Sue Ryder, which runs the Wheatfields hospice, estimates that it subsidises primary care trusts and social services up and down the country to the tune of £7 million, and that is one organisation. Clearly, this is a real concern for the hospice movement, which I am sure the Minister will acknowledge. I am conscious that the Government are considering the issue, which is why this debate is particularly timely. I hope that the Minister will accept that there are real concerns, and that several questions are being asked in the hospice movement about funding, equity and the differing proportions of funding for some hospices.

Liberal Democrat Members welcome the grant that was announced to refurbish hospices, but as I am sure the Minister will acknowledge, that is not a long-term answer to the questions being posed. In the new strategy, will he commit to an increase in hospice funding not only overall, but proportionately? Will the Government seriously consider that? Will he address the issue of equality of funding across the hospice sector? Will he comment on the idea of a tariff-based system for hospice care, which has been mentioned by Sue Ryder? Given the Government's commitment to full cost recovery and closer partnership with the voluntary sector, the simple question is: why does that still not apply to hospice care, and when will it?

I again pay tribute to all Members who have taken part in this most important debate; I look forward to the Minister's contribution. One thing that Members on both sides of the House are absolutely committed to and 100 per cent. behind is the view that we must do whatever we can to support the wonderful work done by hospices.

3.35 pm

Mr. Stephen O'Brien (Eddisbury) (Con): I, too, congratulate my hon. Friend the Member for Castle Point (Bob Spink) on securing this very important debate. He is a tireless campaigner on behalf of hospices both in this place and outside it, in his constituency and beyond it. I applaud his priority in campaigning and seeking to hold the Government's feet to the fire on this issue. His speech and, indeed, securing the debate itself is a touching and fitting tribute to his sister, to whom he paid a tribute in which we all join. I dare say that as a district nurse, she was as inspired as my wife—who is a district nurse by training—by the example of Dame Cicely Saunders and the work that she did in Sydenham. I am sure that that has been an inspiration to all those who have given their lives and careers to nursing and caring for others.

All the speeches today have shown the deep care and genuine compassion that we have as elected representatives on behalf of all our constituents, particularly those who dedicate themselves to the excellent work of hospices. Notwithstanding the fact that health is a matter for the devolved Administrations, we heard speeches from the hon. Member for Ceredigion (Mark Williams) about Wales, and from the hon. Member for Na h-Eileanan an Iar (Mr. MacNeil), whose constituency I regard as the highlands and islands when I enjoy my holidays there.

I pay tribute to the hospice in my constituency. St. Luke's hospice—another St. Luke's hospice—in Winsford is absolutely wonderful and it is close to my heart. I spend a lot of time at and have a great deal of concern for that hospice, particularly because my wife has been nursing there as a volunteer over the past eight years.

I echo the concerns expressed by my hon. Friend the Member for Castle Point about the financial stability of hospices throughout the country. He noted that on average every UK hospice has to raise £4,500 a day through fundraising just to continue providing care, and a further £500 a day to fund building expenditure. Of course, those figures can vary from hospice to hospice. He also noted that the number of hospices in deficit rose from 43 in 2005 to 52 in 2006. Against those background facts, a National Council for Palliative Care survey last year found that about 60 per cent. of hospices were experiencing a decrease in the value of the funding contribution from the NHS, in part because of the constraints on NHS cash that applied.

I hope that the Minister will shed some light on why the number of hospices in deficit appears to be rising as we speak. Many people—mainly those who are thinking about continuing to contribute to hospices—are saying to me that they do not understand whether that has to do with financial mismanagement or inefficiency at hospice level, in which case they would lose confidence in that being the right place to send their money, or the Government failing centrally. It would be helpful to have the Minister's view, to ensure that we send what messages we can from this place and give reassurances.

The remarks of my hon. Friend the Member for Castle Point, who was characteristically gentle with the Minister, were slightly short on emphasising where things have got to. I hope that my attitude will be seen as unaggressive and all-party, but it is fitting that we should be debating hospices in this Chamber when in the main Chamber, a debate is taking place on the Lisbon treaty. There is a great problem in respect of that treaty because one has a real sense—if one is not a Government Member—that one is dealing with a broken promise. We all expected, as a result of the Labour party manifesto, that there would be a referendum.

In contrast to that, here in Westminster Hall the Minister has an opportunity to take the opposite approach, and I am confident that he will take it, given that some 40,000 people per annum receive palliative care in hospices and 120,000 receive some sort of palliative care, and considering the 300,000 people—around two thirds of whom will die each year—who would benefit from some sort of palliative care in the last year of their lives, according to Professor Irene Higginson, head of palliative care policy at King's college, London.

The Government have promised to double funding for palliative care and to introduce payment by results.

We need to examine those commitments. The 2005 Labour party manifesto said:

"In order to increase choices for patients with cancer we will double the investment going into palliative care services, giving more people the choice to be treated at home."

That promise to double investment—we take that to mean spending, from the way the Government use the word—was repeated in the 2006 White Paper, "Our health, our care, our say". However, there is a problem with that: to double anything, one needs to know the number that one is starting with.

Mr. Ivan Lewis: Unless you are a Liberal Democrat.

Mr. O'Brien: I was being non-aggressive.

The Government have said that they do not know how much is currently spent on palliative care. The former Health Minister, now a Transport Minister, the right hon. Member for Doncaster, Central (Ms Winterton) admitted that the

"Department does not routinely collect data on palliative care".—[*Official Report*, 14 July 2006; Vol. 448, c. 2170W.]

Will the Minister explain the basis for the Government's claim that they will double investment? Is that still their position? When can we expect to see the figures?

The Government's 2005 response to the Health Committee report on palliative care said:

"We remain on course to implement Payment by Results (the national tariff) with respect to palliative care in both the NHS and the voluntary sector by 2008/9",

which is almost upon us. It went on to say:

"In palliative care the national tariff will, in effect, provide the full cost recovery recommended by HM Treasury's Cross Cutting Review on Voluntary and Community Sector in Public Service Delivery."

However, in a letter to me, the former Health Minister, who is now the Secretary of State for Culture, Media and Sport, admitted the following:

"Since this statement was made"—

the statement to the Health Committee—

"our priorities have changed".

He also said that the Government intended to publish

"proposals for a consultation"

on the future of payment by results, and said:

"This will include discussion of whether and how we can expand the current range of services and providers covered by PbR".

The use of the conditional "whether" is obviously very significant.

The Minister is here, live, as it were, and we will welcome his answers to those points in couple of minutes. Let us not, on this vital matter, have the normal knockabout by saying "Labour and Health Ministers have broken their promises", as my hon. Friend the Member for Southend, West (Mr. Amess) so invigoratingly suggested. However, let us examine the context in which the Minister will, hopefully, stand up to give us some welcome news.

The Government response to the Health Committee was issued when the current Prime Minister was Chancellor of the Exchequer. As I said, it stated:

"In palliative care the national tariff will, in effect, provide the full cost recovery recommended by HM Treasury".

The Treasury gave a commitment in "The Role Of The Voluntary And Community Sector In Service Delivery: A Cross Cutting Review", which arose out of the 2002 spending review, that by April 2006, full cost recovery funding should be in place. It stated:

"Funders should recognise that it is legitimate for providers to include the relevant element of overheads in their cost estimates for providing a given service under service agreement or contract…All departments will incorporate the review's funding recommendations fully into their procurement policies by ensuring that the price for contracts reflects the full cost of the service, including the legitimate portion of overhead costs"

core funding—by April 2006.

Those principles were reflected in the compact with the voluntary sector, so I am sure that the Minister will not be content to allow the voluntary hospice sector to continue to subsidise the NHS, two years after such arrangements were supposed to come to an end. The official Opposition promise to implement the national tariff with respect to palliative care. In effect, that will mean offering full cost recovery to voluntary sector providers. I hope that the Minister will join us by doing likewise.

Will the Minister also explain the second delay in the publication of the end-of-life care strategy, which was originally due to be published in the autumn of last year? In response to a parliamentary question on the issue, the Minister told me that publication had been deferred until after the publication of Lord Darzi's next stage review, but in the noble surgeon's interim report, no mention was made of end-of-life care, other than to flag up a talking shop on the issue. Will the Darzi review bring forward concrete proposals that will deliver on the Government's previous promises?

The Government will require the Healthcare Commission and all other regulators in England to recover the full costs of regulation from fees by the 2008-09 financial year, which is almost upon us. In the past, fees for hospices have been at discount rates. The commission works from the principle that the fees should reflect the actual costs of regulation, not what establishments can afford to pay. The commission said:

"We believe that if a special case were to be made for voluntary organisations' fees, it would be for democratic Government–not the regulator–to decide that public funds or other establishments' fees should be used to subsidise them…We do however acknowledge that voluntary organisations and small business feel the impact of a fixed overhead such as regulatory fees more acutely than large businesses. Our fees scheme takes this into account".

The commission has proposed charging increases for 2007-08 of £2,376, which is a frozen fee, for hospices with four or more beds. A hospice with, for example, three in-patient beds, would see the burden of costs rise from £907—that includes a registration fee plus a flat rate for inspection costs—to £2,213, which encompasses the doubling of the registration fee for small hospices, plus the new, increased flat-rate inspection fee, plus the removal of the exemption from the per bed charge for hospices with fewer than four beds. The impact on smaller hospices will be disproportionate, but it also seems to run counter to the commission's stated goal of

"finding a balance between full cost recovery and affordability for voluntary organisations".

I hope that the Minister will take a serious look at that.

The Royal College of Physicians has reported that terminally ill patient's access

"to palliative care services…is inadequate and inequitable".

[Mr. Stephen O'Brien]

I hope that the Minister will commit to the meeting with the delegation asked for by my hon. Friend the Member for Castle Point in his outstanding speech, and ensure that commitments are made in Lord Darzi's review and in the end-of-life care strategy—whenever that is published.

3.47 pm

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis): I congratulate the hon. Member for Castle Point (Bob Spink) on securing this important debate and on the passionate and authentic way in which he goes about championing the cause of hospices. Parliamentarians often do not focus enough on how we can make a major difference. There is no more important issue than this, frankly, and we can make such a difference to it.

The hon. Gentleman paid tribute to a number of organisations, and I join him in doing so. He mentioned the Association of Children's Hospices, the Rainbow Trust, Help the Hospices, and Sue Ryder Care, and there are many other individual hospices to which we should pay tribute in a debate such as this. He also described the current Prime Minister, the previous Prime Minister, and the Secretary of State for Justice as great men. I can tell the hon. Gentleman that an application form is in the post.

More seriously, he dedicated his contribution to his beautiful sister Yvonne, as he described her. He spoke movingly about the experiences that she went through, and those of himself and his family. I had a similar experience last year when, unfortunately, my mum Gloria, who was only 64 years of age, died in April. It was one of the most difficult experiences that I have ever had to cope with. More importantly, I shall never ever forget my mum's dignity and courage towards the end of her life. As the hon. Gentleman said, unless one has been there, the emotional rollercoaster that the person concerned and their immediate family inevitably go through is incredibly difficult to describe. I pay tribute to the hon. Gentleman for personalising the debate.

The hon. Gentleman was right to say that end-of-life care is a growing issue—inevitably so. Because people are living longer, because people's aspirations and expectations are different from what they once were, because of medical advances and technological change, and because of our public service reform agenda and vision, we now have the capacity to offer end-of-life care that is very different from that offered in the past. I shall return to the hon. Gentleman's speech—he raised a number of issues—but I want first to deal with some of the specific issues raised by other hon. Members.

The hon. Member for Eddisbury (Mr. O'Brien)—he was not described by the hon. Gentleman as a great man, but I am sure that that was an omission—paid tribute to St. Luke's hospice, and I join him in that. More important, he spoke of his wife. She must be a wonderful woman for all sorts of reasons that it would be inappropriate to put on the record. She is a volunteer at a local hospice. We should remember that thousands of people give of their time selflessly in order to make hospices work, working alongside some incredibly dedicated and skilled professionals. In paying tribute to Mrs. O'Brien, not only for living with the hon. Gentleman but for the tremendous contribution that she makes to the hospice movement, we pay tribute to many.

I do not know of any evidence that hospices are poorly managed. Of course it would be inappropriate to generalise, and I am sure that like any other public service sector some hospices could be better managed, but on the whole the hospice movement can be proud of its record of management, prudence and governance.

My hon. Friend the Member for Eccles (Ian Stewart) spoke movingly about St. Ann's, a hospice that I know because it is not that far from my constituency. He also mentioned Francis House. He rightly spoke of dignity and serenity, but the most important point that he made was that a crucial measure of civilised society is the way that it treats people towards and at the end of their life. My hon. Friend was right that there can be no more important measure.

The hon. Member for Southend, West (Mr. Amess) mentioned Cicely Saunders, and he will doubtless have read my right hon. Friend the Prime Minister's recent book on heroes, in which he identified Cicely Saunders as one of those who have made the most difference to our society.

The hon. Gentleman was uncomfortable about my body language at the mention of Basildon, so I shall pass over the subject rather quickly. However, it is good that he keeps in touch with his former constituents. He also challenged me on his local hospice and I shall respond to that challenge in the following way.

It is best practice for every primary care trust to sit down with the hospices and to seek three-year commissioning agreements in order to give the hospices a sense of long-term stability. That will be based on the needs of the local community. I urge the hon. Gentleman's PCT—indeed, every PCT—to adopt that approach. To be fair, at the moment they have a one-year allocation, but within the next few months they will know their allocation for the next three years. Best practice will give them an opportunity, and I believe that they should take it. I hope that the Exchequer Secretary to the Treasury who has joined us, agrees with that principle.

Most of these issues are devolved, but the hon. Member for Ceredigion (Mark Williams) raised the important issues of specific project funding when hospices need core funding and their importance in rural areas. The hon. Member for Na h-Eileanan an Iar (Mr. MacNeil)—it is difficult to pronounce—raised the question of VAT. That, of course, is a matter for the Treasury; I would have said that anyway, but I shall stick to my script given who has just joined us.

I return to the contribution made by the hon. Member for Castle Point. It was he who raised most of the substantive issues—and he did so most appropriately. Hospices are part of a network of palliative care in every community. Sometimes, however, the whole of palliative care is presented as hospice treatment. We have to remember that an increasing number of people choose to end their lives at home. In that context, we should pay tribute to Macmillan and Marie Curie nurses, and others who do such a remarkable job. There are also residential nursing homes and hospitals.

My view is that we should not be neutral about the matter. Given a choice, the vast majority would choose to end their lives in a hospice rather than a hospital. That has implications for some of the commissioning decisions that PCTs have to make. If people want to die at home, unsupported, they should be allowed to do so. If the choice is between hospital or hospice, I believe that the vast majority would choose the hospice, because it is personal, sensitive and intimate. Primary care trusts should accept that fact.

We have made £27 million available for children's palliative care, as the hon. Gentleman said. We have conducted a review, and I can tell the House that we will be publishing a national strategy for children's palliative care in the middle of February. That is confirmed today. The hon. Gentleman was right to speak about Diana nurses, who do an important job. We are looking at ways to support and develop their continued contribution to children's palliative care.

I turn to the end-of-life strategy. It is very simple. One of the major streams of Lord Darzi's review of the NHS is end-of-life care. When considering world-class end-of-life care, every strategic health authority area is talking about what it should offer people. It would be nonsense to produce a strategy in advance of that process being concluded. When Lord Darzi publishes his final report on the future of the health service, which will be this summer, we will publish the first national end-of-life strategy. That is a clear commitment, but we want to get it right, and it is worth each strategic health authority spending the coming months discussing the subject.

The question of funding has been raised. The Government's record is excellent, relatively speaking, but a tremendous amount remains to be done. Help the Hospices shows that NHS funding for adult hospices in 2004 was £97.8 million, an increase of about 50 per cent. over 2000. Funding increased further to £113.7 million in 2006.

The only partisan contributions made during the debate were made by the hon. Members for Cheadle (Mark Hunter) and for Leeds, North-West (Greg Mulholland). They turned it into a party political issue. They talked about a real-terms cut in the amount of funding for hospices based on those figures. That was absolutely opportunistic and disgraceful.

Greg Mulholland: Will the Minister give way?

Mr. Lewis: Will the hon. Gentleman be writing a blank cheque to the hospice movement? Is he saying that if the Liberal Democrats ever formed the Government, they would meet all the hospice costs at 100 per cent. recovery? Of course not, but that is the impression that Liberal Democrat Members always give when contributing to debates.

Greg Mulholland: Will the Minister give way?

Mr. Lewis: We are all fed up with it. I return to the substantive issues.

Greg Mulholland: Will the Minister give way?

Mr. Lewis: I will not give way.

On regulation costs, I shall consider the question of the consultation that the Healthcare Commission is undertaking—

Greg Mulholland: He's an a*******.

Mr. Lewis: —and the nature of regulation costs. That was not very parliamentary language, Mr Williams.

On the question of—

Mark Hunter: Will the Minister give way?

Mr. Lewis: No, I will not.

On the question of future funding, let us be clear. As part of coming up with an end-of-life strategy that is fit for purpose, we have to resolve a fundamental issue. What is the appropriate balance of responsibility between the state and other forms of funding for hospices? We also have to consider the relative contribution of hospices to palliative care in every local community. Those are the fundamental issues that we have to resolve. We then have to take account of the fact that every locality will make different decisions, depending on population need and historical provision. We must also take account of the fact that the hospices want to retain some independence from the state, which is quite appropriate.

As part of the publication of that national strategy, I commit to seeking once and for all a final settlement that is clear about the respective responsibilities of the state, the voluntary sector and other forms of contribution for the funding of the hospice movement in the context of how palliative care is funded on a long-term basis. When we have come to that settlement, it will be transferred into the policies and actions applied by PCTs.

Bob Spink: Will the Minister speak with the delegation and will he repeat what he said about regulation costs?

Mr. Lewis: I am willing to look at the consultation that the Healthcare Commission is currently engaged in on the regulation costs. I will, of course, be willing to grant the hon. Gentleman a meeting.

Private Equity/Venture Capital Industry

4 pm

Mr. Mark Field (Cities of London and Westminster) (Con): Change is afoot in the world of private equity. Only a diehard few would now oppose the principle that there should be some tightening of the generous capital gains tax regime for private equity investment. The Government have made an utter mess of their capital gains tax reform, culminating in the need for clarification only last week. That confusion risks further anti-avoidance measures being required.

In fairness, it is worth looking at the issue in some perspective. A capital gains tax regime that is simplified is something to be welcomed, especially if it is simplified at a relatively low level, historically, of 18 per cent. It is fair to say that most business folk who operated during much of the period between 1945 and 2002 would have rejoiced at the prospect of a sale of business giving them some 82 per cent. of tax-free gains.

In relation to private equity, it is crucial that we do not undermine the future prosperity that will be generated by the industry, not least in invisible exports. It is an industry in which the UK has become a world player second only to the United States. Some 60 per cent. of Europe's private equity industry comes from these shores. The political and fiscal decision makers must recognise the appeal for many players in the industry of working in what is now a truly cosmopolitan environment.

Barely 12 months ago, few people in the UK had heard of private equity. Indeed, even in the United States, it was only the listing last year of Blackstone, which is widely regarded as one of the three leading practitioners of the dark arts of private equity, that helped to create a culture of greater public scrutiny.

For a time last summer, thanks to people such as the Minister, who was perhaps playing a somewhat different role then, as a member of the trade union-loving Treasury Committee, from the one she might play today—we look forward to hearing her comments later—the newspapers, and not just the business pages, seemed to talk of little other than private equity matters. Although the catalogue of Government misfortunes, from Northern Rock to the credit crunch to domestic economic difficulties, has taken private equity out of the news today, I think that that situation will change.

The tax treatment of businesses bought up by private equity firms is likely to remain a hot political potato. For sure, that will largely be down to campaigns orchestrated by trade unions that are worried about job losses, but it will also be because the issue of private equity firms has been a backdrop to the recent contest for the deputy leadership of the Labour party. However, the real catalyst for public debate has been the concerns expressed, often by middle-class professionals outside the financial services industry, about the astronomical wealth earned by affluent private equity principals in the industry. In short, the controversy about private equity is, to my mind, a symbol of the increasingly nagging concern that the benefits of globalisation have not been spread either equally or fairly.

Much of that discussion belongs to a far broader debate; indeed, I suspect that it will be the backdrop to quite a lot of debates that will take place not just in this Chamber but more widely in this country and across the western world in the decades ahead, particularly with the emergence of China and India as great economic superpowers of the future. I think that we will return to that issue—the way the spoils of globalisation appear to be very unequally spread—during many of those debates and they will no doubt agitate public policy makers. However, the important issue, and it also applies to private equity, is not to take too much of a short-term view. There needs to be a sense of perspective, taking in both the past and the future, to determine what is in the broader interests of this country.

Over recent years there has been a relatively generous tax regime for private equity investment, about which I will say a little more later. That regime was designed in part to reflect the value that was added by innovative venture capitalists and the risks that they incurred. On balance, I believe that it is difficult to fly in the face of the evidence. Generally, although not exclusively, businesses owned by private equity concerns have grown considerably faster, created considerably more jobs and generated vastly higher profits than the public companies from which they were originally spun off. Indeed, the evidence is plain: leading management in public companies display less motivation, innovation or flair than decision makers in companies where private equity involvement has restored value and undone the damage caused by previous managerial deficiencies. More often than not, the transformed businesses are more profitable and grow faster. The positive effects of private equity result in enhanced corporation tax receipts and, of course, a boost to broader employment.

Contrary to the views of some of its more vocal critics, private equity rarely brings with it job losses and asset stripping, except for those struggling businesses that otherwise would probably have gone under without the resurgence that often accompanies radical business restructuring. Indeed, for the financial year 2006-07, the last for which we have reliable and up-to-date statistics, it is estimated that private equity-backed companies generated total sales of some £310 billion, created exports of £60 billion and contributed some £35 billion in taxes to the UK economy. That is all very much a good news story, and one that perhaps has been somewhat lost in some of the negative publicity that venture capital and private equity have received.

It seems that the real problem is that, even after recent economic hiccups, the financial services sector is increasingly regarded by a sceptical and bemused general public as a one-way bet to untold riches. That perception is leading to enormous resentment, not least from the middle classes, whose material expectations, particularly in London and the south-east, are becoming increasingly bleak.

The fact is that London's financial services industry is a leading global performer. The rewards that flow to its most talented players reflect that fact. By contrast, the civil service, the senior rungs of the NHS and education, and indeed many respectable private sector professions fail to offer such astronomical rewards. As a result, the markets in housing and private education, to name just two, have spiralled out of control and out of the reach of those who, in a previous generation, might have expected to enjoy such returns from their often highly skilled qualifications.

The Labour Government have rightly encouraged the private equity industry to thrive on these shores, and they have to take a certain amount of credit where credit is due. The private equity industry here is a world trend-setter, which otherwise might have left these shores to operate somewhere else, for example, Switzerland. The UK is at the forefront of that global industry. The private equity industry here employs some 18,000 people in 1,500 firms and it helped to generate some £5.5 billion domestically last year in fees for legal, accounting and other professional service firms.

It is also worth reflecting on the positive effects that the threat of private equity involvement has had on many of our leading public companies. Unarguably, management in the public markets has been inspired to sharpen up its act in the face of the potential for radical restructuring by potential bidders.

Nevertheless, the generous tax regime, although it is justified for those entrepreneurs who take enormous risks, is less easy to justify for many of the operators in the private equity field. The taper relief arrangements, which from 2002 reduced corporation tax on holdings of two years or more to just 10 per cent., encouraged—perhaps over-encouraged—the structuring of corporate refinancing transactions to maximise the amount of debt. That has had the effect of allowing companies to benefit from a more generous taxation treatment, not least in the creation of "shareholder debt", which behaves in some ways like equity but is treated as debt for tax purposes.

Many in the private equity field are, in effect, financiers rather than risk takers. As such, it is surely more equitable for their rewards to be treated more like income, and therefore subject perhaps to higher tax rates, not least because so much of the debt created in the structuring of their transactions is rapidly syndicated out to other banks. Therefore, I firmly believe that the creation of a standard 18 per cent. simplified rate of capital gains tax is to be welcomed. I hope that that will be driven through properly by the Government in the months ahead, not least in view of the confusion that has reigned supreme recently.

Also controversial has been the treatment of "carried interest" on private equity funds, which is taxed as a capital gain rather than as income. No one is suggesting that anyone in the private equity world is doing anything wrong. However, it is clear that the Treasury's granting of a more favourable regime in the past was intended to reward genuine entrepreneurs. In principle, that surely must mean that, where "carried interest" looks like income, it should be treated as such for taxation purposes. Incidentally, it also makes good sense to treat capital gains and income more evenly, and I anticipate that a future Conservative Treasury would seek in time to reduce to 18 per cent. the basic rate of income tax in line with the level of CGT to apply from April.

Given the strangulating effect of ever more obtrusive regulation on public companies, it is of little surprise that many companies have chosen to go down the private equity route. They have not done so simply out of a desire for greater secrecy; it is a reflection on the level of transparency expected of public companies in the modern age.

Mr. Brooks Newmark (Braintree) (Con): For clarification, the reason that the UK is so successful in attracting private equity is our historically—in recent years—attractive tax regime. I hope that my hon. Friend is not suggesting that carried interest should be viewed as income, because all other major western countries view it is a capital gain. It is important that, in order to remain competitive, the UK maintains a competitive carried interest regime.

Mr. Field: I accept my hon. Friend's point. He has a track record in private equity and has been a big supporter of it in various debates in the Treasury Committee. I want income to be treated as income, and capital as capital. There has been a muddying of the water, and if it were my job to look after such matters, as it is the Minister's, I would take a slightly harder line than perhaps my hon. Friend would prefer. In considering carried interest, we should look beyond the benefits that perhaps have applied in recent years. In effect, some elements of carried interest constitute income, and should be taxed accordingly.

I shall return to the causes of so many of the problems in the public markets. A level of transparency is expected of public companies that is out of kilter with the desires of many who run them. The disequilibrium between public and private company requirements makes the latter route attractive.

The Exchequer Secretary to the Treasury (Angela Eagle): The hon. Gentleman is making some interesting points. If he thinks that there is a problem with transparency of public companies, does he think that the answer is to level the playing field on transparency by ratcheting up private equity to public company level, or by ratcheting the latter down to private equity level?

Mr. Field: I am coming to that.

As I was saying, I think that the disequilibrium is such that there has been too much regulation and expectation, not just of transparency—we all want transparent markets—but of bureaucracy in the hands of public companies, which runs the risk of some businesses moving to different shores. We are living in a globalised world, for which we should rejoice.

Mr. Newmark: Although I might disagree with my hon. Friend on his tax analysis of the regime that we should have, he makes an excellent point about regulation. On transparency, which was a point brought up during Treasury Committee hearings, I hope that he supports the Walker review and its suggestions for the behaviour of private equity.

Mr. Field: I have learned that getting one out of two from my hon. Friend is never a bad score. I thank him for his support.

If public markets worked efficiently, there would be very little need for private equity. Hitherto, most companies subject to private equity have been ostensibly underperformers in the public market, and the alchemy of talented fresh management has helped to transform their fortunes, which is why the leading players in UK private equity and venture capital are comfortable adopting in full Sir David Walker's guidelines on transparency and disclosure. The industry recognises the need to

[Mr. Mark Field]

comply with effective self-regulation, with financial statements and annual reviews being the norm. That rather than Financial Services Authority or Government intervention is the right way forward.

As private equity becomes more popular, however, so too does the level of complexity in the debt instruments being created. There are many even in the financial services and banking industry who do not properly understand the operation of some of *the debt obligations* being created and sold off, as we have seen to our cost globally in recent months. The buoyant global economy and the wall of money available to financiers, given historically low interest rates, bring with it the risk of a systemic collapse. Once more it is important to stress that relatively few jobs are at risk. If a private equity-backed company bought out at a price representing the top of an economic cycle were to fail, once financially restructured, relatively few jobs would be lost. The real losers in the event of a high-profile private equity failure would be banks—and by extension, their shareholders and pension fundholders who are naturally the type of people who might be used to paying higher rates of tax. The original private equity players are likely to be long gone.

The year ahead for private equity will, I suspect, be dominated by the emergence of sovereign wealth funds. The fear is that their investment in UK business will simply reopen the debate on transparency and disclosure, which the Walker report was designed to close. Indeed Delta 2, the Qatari sovereign wealth fund, whose bid for Sainsbury's last autumn fell only at the final hurdle, had agreed to abide by the terms of the Walker report, which is to be supported. These SWFs, from India and the middle east in particular, but also from places such as Russia, I suspect, given the sustained high oil and gas prices, will look to invest aggressively especially where falling stock markets provide good value in public company shares. It has been estimated that those funds have anything up to $3 trillion at their disposal. Ideally they too should be subject to Walker-style self-regulation, as a matter of course.

In conclusion, traditionally in the UK we have an open approach to overseas investment. The City, and the UK as a whole, rightly welcome business from investors of all nationalities. If that culture is not to be threatened by public outcry, it is to be hoped that 2008's new big thing—sovereign wealth funds—will recognise that the spirit of the age demands responsible investment with a code of conduct governing its behaviour.

4.16 pm

The Exchequer Secretary to the Treasury (Angela Eagle): I congratulate the hon. Member for Cities of London and Westminster (Mr. Field) on securing today's timely debate on one of the most interesting phenomena in our ever-evolving and changing dynamic marketplace. It is important and true to say that although private equity has been growing it remains a relatively small part of our overall economy. It is not a form of ownership that the Government particularly favour over other models.

With the hon. Gentleman's expertise as secretary of the all-party group on private equity and venture capital, he made a positive case for private equity where it works well. I do not particularly disagree with any part of his analysis. However, we think that what matters for investors, companies, employees and the economy as a whole is not the form of ownership, but how effectively it is exercised in promoting the long-term creation of value, investment, growth and employment.

As the hon. Gentleman was gracious enough to hint, and possibly even state explicitly, over the past 10 years, the Government have made real progress in promoting long-term decision making on investment. We have taken important steps to *make our economy more* dynamic, to enhance competition and to deal with the challenges of globalisation. We could have a very interesting debate on how that might play out in popular belief, and on the fact that worries and insecurities are never the right basis for taking long-term decisions. However, those on both sides of the House will admit that we have to deal with those insecurities and worries if we are to continue to make the case for what has been the UK's traditional approach to living and doing well in the world—an open and dynamic economy facing out to the world rather than turned in on itself.

We believe that the changes we have made have helped businesses to raise finance. The private equity sector is disparate; it ranges from private equity by-outs to the provision of venture capital and investment by business angels in small start-up companies, and includes everything in between. Evidence at the smaller end of the scale shows that most businesses are raising the finance they need—in fact, more than 85 per cent. obtain it at the first attempt. However, for the minority of businesses that are unable to do so, the Government have designed a range of measures to help; the enterprise capital funds, for example, are intended to address the equity gap that many small but potentially high-growth businesses face. The funds are run by private sector fund managers who make commercial investments, but they invest a mix of public and private money, with the Government providing up to £2 for every £1 of private money. The total Government commitment to those funds is more than £140 million, and it will continue at £50 million a year by 2010-11, providing the seed corn for a generation of new and potentially high-growth businesses. That is in our interest.

The Government have also reformed the tax system to encourage innovation and investment. I discerned from the hon. Gentleman's comments a basic agreement with the approach to capital gains tax. Despite issues about the detail, he was gracious enough to point out that we now have one of the lowest and most competitive rates of capital gains tax—at least we will by April.

We have also reformed the tax system. For example, the enterprise investment scheme has raised about £6.1 billion, which has been invested in more than 14,000 small, higher-risk companies. Venture capital trusts have invested another £3.3 billion in more than 1,400 companies. Those schemes help to encourage the creation and growth of new firms, and they can also be a less focused-upon part of private equity. They ensure that anybody with the potential to succeed in business has the opportunity to do so if they can sell their ideas to the funds, and they have helped the number of small businesses in the UK to rise by 760,000 since 1997.

Mr. Field: The Minister has quite rightly given more details—as I did not in my additional comments—about seed-corn finance for smaller businesses, and the Government rightly place much importance on innovation and flair. One could not possibly disagree. Likewise, the simplified capital gains tax regime is an important element. However, my concerns were about when private equity clashes with public companies. Are the Government not concerned that the public markets seem to be so unattractive to companies of that size that they choose private equity as the route to run their businesses?

Angela Eagle: We must examine the trends of the different choices that business people can make, and the balance between them, and the different business models that can be adopted. I recognise the point that the hon. Gentleman makes, but at the same time, it is also important to recognise that transparency in public companies is to ensure that shareholders have appropriate access to the information they need to make business decisions. Some of the private equity issues that the Walker report dealt with were precisely about valuation and trying to assess what is going on in funds, to ensure that in the private equity model, investors are certain about what is being done in their name, and with their money.

There is a general case for transparency, and the hon. Gentleman made it when he talked about possible issues in the future with sovereign wealth funds and transparency. We must keep the issues under review, but the recent changes to company law got the balance about right. We note with approval the Walker report and its comments about transparency, annual reviews and the need to ensure that the private equity industry addresses the detail of valuation and activity, which the Myners review also pointed out.

On buy-outs, the hon. Gentleman is quite right: at their best, private equity companies can make changes to businesses through restructuring, efficiency to give the business a better future, a shorter management chain, clearer targets and accountabilities and stronger incentives. There are good and bad examples of how private equity works, as there are with all generic models. The hon. Gentleman can cite some good ones, but there have been some not so good examples, too. The Government want best practice in all areas, leading to fitter companies that can deal with change more effectively and, therefore, survive in good health to provide growth and investment opportunities. That is what we want to encourage, and I hope that there is no disagreement in the Chamber about that.

On executive remuneration, the hon. Gentleman's view was disputed by his hon. Friend the Member for Braintree (Mr. Newmark), and I do not want to interfere in what is obviously an interesting debate on the Opposition Benches. However, I make it clear that we remain interested in all aspects of rewards to people involved in private equity. That includes application of the legislation on employment-related security, some of which touches on the issues that the hon. Member for Cities of London and Westminster raised, and the tax treatment of carried interest and management fees. We will continue to keep those issues under review. The hon. Gentleman has his own views, but his hon. Friend the Member for Braintree disagrees—at least on that point. We keep a close eye on what is going on to ensure that tax treatments and rules are properly followed, and that there is no attempt to reclassify debt as equity or income as capital gains outwith the existing rules.

Mr. Field: But is the heart of the matter not the concern that because tax treatment of income and capital is so disparate it generates a perverse incentive to behave in a particular way? The ideal scenario would be to return to the regime that Lord Lawson brought in about 20 years ago, when he moved towards looking on income and capital in the same light. That would render any minor disagreement that I may have with my hon. Friend the Member for Braintree (Mr. Newmark) entirely redundant.

Angela Eagle: Obviously—the ultimate simplification. I noted the spending commitment of the hon. Member for Cities of London and Westminster to bring income tax down over time from 22 per cent—possibly he was talking about 40 per cent.—to 18 per cent. I shall look with interest at his explanation of how it can be paid for.

Mr. Field: It is a long-term aspiration.

Angela Eagle: A very long-term aspiration, I suspect. Should there be the calamity of a Conservative Government who wished to do that, I should like to see how they would fund even a tiny part of the public services such as schools, hospitals and so on, in which we have just spent the past 10 years re-investing. It is important both to remember that tax-take finances such services, as well as to examine what might—in an academic exercise—be welcome, such as the same taxes on capital and income across the piece. The idea has certain implications, as the hon. Gentleman knows.

Mr. Field: *rose—*

Angela Eagle: The hon. Gentleman is trying to get to his feet, and I shall let him.

Mr. Field: That is very kind—the Minister is giving me a little more rope to hang myself with. *[Laughter.]* At least that is what she might be hoping.

I am sure that early in the Minister's political career, about 20 years ago, she opposed tooth and nail Lord Lawson's Budget, to which I referred. However, even the Labour Government will recognise that we are in a global economy and that, as a result, we need downward pressure on our tax rates because we must remain globally competitive. Surely, that is the lesson. The Treasury has learned it fairly well over the past 11 years; none the less, we must consider it a work in progress.

Angela Eagle: Of course, those points are true as far as they go, but as a Government we have other issues and other requirements, such as looking after the social development of our society. For that, one needs tax revenues and transfers, which must be balanced out. On the hon. Gentleman's side of the political argument there is a slightly different way of doing things than on our side. Perhaps that is what general elections are about.

[Angela Eagle]

The transparency of the private equity industry is important. It is in the industry's interest to provide information that will improve public understanding, so that it can demonstrate its contribution to the UK's economy and employment. The Government therefore welcomed the announcement by the British Venture Capital Association and leading private equity houses of an independent working party chaired by Sir David Walker, which would draw up a comply-or-explain code to improve disclosure and transparency. We welcomed the report, and Sir David's code has set a challenge for the private equity industry to improve transparency and disclosure. The Government will watch with keen interest how the industry responds.

British Association for Central and Eastern Europe

4.29 pm

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): This debate is intended to pay tribute to an organisation that, in the 40 years of its existence, has made a real difference. It fostered and encouraged democracy in eastern and central Europe well before that was a fashionable thing to do. This may be the point to declare an interest: I have had the honour of serving as one of its political governors for almost seven years, under the admirable chairmanship of the noble Lord Radice.

The British Association for Central and Eastern Europe started life in 1967 as the Great Britain/East Europe Centre. It was set up by a group of MPs, journalists, academics and trade unionists, with the support of the Foreign and Commonwealth Office, and changed its name in 1991. The original drive came from a belief in a common European destiny. It is easy to forget what the world was like in the 1960s. The iron curtain and the cold war were firm reality. The Berlin wall stood. Communist regimes prevailed in eastern and central Europe. People were not allowed to travel. There was no freedom of the press, and Tito was firmly in charge of Yugoslavia. I do not know for certain, but I have a hunch that the founders were encouraged by signs of the first thaw—the Prague spring. They wanted to build a bridge across the then divided Europe, and for Britons interested in eastern Europe, the organisation provided an alternative focus to the communist-dominated friendship societies.

In the early years, the majority of activities took the form of exchange visits, discussions and support for individuals undertaking short-term study in the UK. Politics was avoided. The aim was to build links between members of a liberally minded intelligentsia that might gradually erode the authority of one-party states. The four countries originally covered were Bulgaria, Czechoslovakia, Hungary and Romania. Poland was added in 1986 and the Baltic states and Albania in 1992, followed later by the successor states to the former Yugoslavia, Moldova, Belarus, Ukraine, Turkey and Montenegro.

Predictably, the Governments of the original partner countries were at first suspicious and tried to control the association's activities. Gradual progress was made and friends were won, and by the '80s there was more open discussion, especially with the Hungarians and Poles. After the collapse of the communist system, many Ministers in the new democratic Governments were, as private citizens, BACEE alumni.

Since 1991, more than 5,000 politicians, civil servants, judges, journalists and business men from countries of central Europe have participated in courses, seminars and conferences organised by BACEE. The association has contributed to improvements in civil society in countries that have revived democratic systems after years of authoritarian one-party rule. Through the transfer of expertise and know-how, it has helped Governments, the media and key institutions of states in transition, and thus the lives of the people of central

Europe. The popularity of BACEE's programmes in central European states is linked to its long-standing approach of responding to requests from states rather than trying to impose something upon them.

It is impossible to describe all the matters that BACEE has covered over the years, but a few examples of projects undertaken just during this Parliament might make the point. There was a visit of 30 mayors and municipal development officials from Serbia to study best practice at British regional development centres in Newcastle and Belfast; a conference on climate change for journalists from 17 non-European Union central European states including Kosovo; a three-year programme in Croatia from 2004 to 2007 to establish a system of out-of-court alternative dispute resolution, and a visit of a group of 20 politicians and journalists from non-EU states during the final week of the general election in 2005. I shall never forget the face of a hotel manager in Edgbaston when one of the participants in that visit met me early in the morning and, when asked what he would like to drink, said, "A small beer would be fine". It was important for them to come to the UK to see how we run elections.

There was also a round table in Estonia on energy security, a visit by Ukrainian officials responsible for ensuring fair media coverage of elections to meet their British opposite numbers and study best practice, and visits from parliamentarians from Bulgaria and Macedonia to discuss how to ensure the appropriate scrutiny of EU legislation by national Parliaments. I could go on. The back of one BACEE newsletter, published in December 2000, lists the programmes going on at the time, which were a typically wide spread. The newsletter had as its headline "Hope for Yugoslavia—The New Serbia Forum" and began by stating:

> "The defeat of Milosevic in the Yugoslav Presidential Election in September should be the last nail in the coffin of European dictators."

It went on to describe some developments. The Serbia forum was established in 1999 with the support of the FCO and the Swiss and Hungarian Governments to allow moderate Serbian politicians, journalists and academics dedicated to the restoration of democracy to meet beyond Milosevic's writ in the former Yugoslavia, to discuss policy options and a future democratic Government. It is now widely acknowledged as having been extremely influential; it made a significant difference to the establishment of a democratic system in Belgrade after Milosevic's fall.

Another example that illustrates the work done with countries trying to restore democratic government is the seminar in Riga on reporting human rights, which was attended by, among others, a number of Belarusian journalists. Only last year, BACEE hosted an informal meeting for Belarusian opposition leaders with British academics, journalists and think-tank members. Over the years the emphasis has shifted, and the overwhelming majority of programmes are now for countries outside the EU and on subjects on which it is important that British policies and views are understood. But—there is always a but—the British Association for Central and Eastern Europe will close in its present form on 29 January, after 40 years. That is the direct result of the FCO's decision to withdraw its grant in aid.

I think that the FCO made a mistake, and to do so at present, when developments in Serbia and Kosovo are of such concern, compounds the error, especially as the sum of money concerned is so relatively minor—about £260,000. It gives a lamentable impression of reduced British interest in the new member states of the EU, particularly the countries that aspire to join the EU.

The point was put appropriately by one of my fellow governors of BACEE, Peter Preston—I am sure he does not mind being quoted. In an article in *The Guardian* on 3 December 2007, he wrote:

> "Here is a sad little tale with a big, sad conclusion. It begins a decade ago, when I did some Guardian Foundation work with the British Association for Central and Eastern Europe...and joined its governing body. It organised seminars all over the newly free countries of Europe, brought study groups to Britain, and helped train politicians, judges and journalists in the rhythms of democracy. When central Europe was EU-embraced, it moved on to the parts that Brussels hadn't reached yet: the Balkans and beyond.
>
> But then, suddenly, a minor mandarin arrived announcing that priorities had changed; that the Foreign Office grant that helped make Bacee possible was going, gone. Europe didn't matter any longer, it seemed. Only the Middle East counted when disposable funds had to be disposed of. And that, after many gallant efforts, turns out to be the end of active life. Bacee goes into indefinite hibernation next year."

Mr. David Curry (Skipton and Ripon) (Con): I, too, am a board member of BACEE. Does the hon. Lady agree that the grant the organisation received was extraordinarily good value for money for the Government, because BACEE was able to call upon senior people in universities, business and the media, who gave their services free? They led seminars, went on visits and received people from overseas, and they did not charge. No commercial organisation could ever have obtained such value for money. The outlay from the Foreign Office was very small but the return on capital was enormous. It is extraordinarily short-sighted to cut off such a productive use of limited public funds.

Ms Stuart: I utterly agree with the right hon. Gentleman. Even people such as the then editor of *The Guardian*, Peter Preston, gave their time for free to serve on the board and run courses. Considering that, as I have said, 5,000 politicians have gone through the doors in the past 15 years and been involved in programmes, a quarter of a million pounds was extraordinarily good value for money.

Peter Preston also says:

> "The Balkan problem - unlike the West Lothian problem - is deemed 'solved' for all relevant financing and face-saving purposes."

He goes on to say, "except that that's rubbish". That is a blunt way of putting it, but the next few weeks may prove him right; the problem is far from solved.

Mr. John Randall (Uxbridge) (Con): The hon. Lady knows the Serbian and Macedonian region well. My experience with BACEE both in the UK and in those regions has been entirely positive. At such a vital time in BACEE's history, the actions of the FCO are incredibly short-sighted. I am former student of the School of Slavonic and Eastern European Studies, where I think BACEE will be housed, and although I am sure the association will do its best, it will not be the same without the weight of the Foreign Office behind it.

Ms Stuart: I am grateful to the hon. Gentleman for his intervention and I hope that we can convince the Foreign Office to throw some weight behind BACEE's new home in SSEES.

The problem is that the Foreign Office's decision is irreversible and, as politicians, we all know that there is nothing more unpopular than someone who says, "I told you so" because to do so is backward-looking. BACEE has not entirely ceased to exist, which is why I ask the Minister for support for this proposal. Following discussions between the directors of BACEE and SSEES a way has been found of perpetuating the principles that have underpinned BACEE's work in the last 40 years—through the creation at SSEES of an annual lecture on a broad European theme, which will be funded, initially at least, by BACEE's remaining reserves. I am delighted that the FCO has welcomed that development. Indeed, it has proposed that the inaugural lecture be held at the FCO.

I would like to suggest some additional ways in which the FCO could help. I do so because the association works in an area of the world that we ignore at our peril. Developments in central and eastern Europe will continue to affect Britain's domestic and international interests. An annual lecture in no way replaces the range of projects BACEE has undertaken over the years in response to requests from central and eastern European countries—often through British embassies, but also directly through the association itself. Moreover, funding is limited. I have two suggestions as to how the Government could help maintain interest in and understanding of an area of strategic diplomatic, cultural, social and trade importance to the UK.

First, could the FCO commit itself to meeting half the expense of an annual lecture at SSEES for the next five years? The cost would be minuscule compared with its overall expense and would be no more than the cost of a couple of flights to Brussels for a Minister accompanied by supporting staff.

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Meg Munn): We do not fly to Brussels.

Ms Stuart: Okay. It would be no more than the cost of a couple of trips on Eurostar to Brussels accompanied by staff—first class Eurostar is probably more expensive than a flight, actually.

Secondly, over the past three years the present director has initiated a series of informal meetings between influential visitors from central and eastern Europe and small, carefully selected groups of specialists on the country or subject concerned. Such specialists are from the press, universities, and international institutions based in Britain, as well as from research units and party foreign policy experts. That has allowed valuable exchanges on sometimes sensitive issues in a relaxed environment, which would be impossible in more formal or high-profile surroundings. The funding required has been minimal—often no more than a buffet lunch—and is disproportionate to the benefit of the increased understanding for all participants. Occasionally, the FCO visits group has contributed to the cost. Will the Minister consider instructing the head of the group to discuss with the director of BACEE, who will be involved with the lecture, how such occasional meetings might be supported in future?

I hope that the Minister is open to going a little way toward putting right the damage to Britain's reputation caused by a misguided decision that reduces our capacity to support the promotion of civil society in all the states of Europe. I pay tribute to my fellow governors. One of those is the right hon. Member for Skipton and Ripon (Mr. Curry) who is present today; another is the hon. Member for Hereford (Mr. Keetch), who would have been here if some schoolchildren were not currently petitioning him. I also pay tribute to Lord Radice, who chaired the association extremely successfully. However, I pay particular tribute to the current director, Nicholas Jarrold, and his staff, who have overseen an extremely difficult period, during which they discovered that funding had been withdrawn. They have used great skill, expertise and determination to find a way to allow the spirit of BACEE to continue to live on.

Even in its final week of existence, BACEE has continued to contribute to the promotion of British civil society and ideals. It has done so through three topical projects: a visit to the UK by senior representatives of the office of plenipotentiary for Roma communities in Slovakia; a visit by officials of the Kosovo Ministry of Local Government; and a visit by a group of Croatian non-governmental organisations. Given that we know that the FCO has made its decision, BACEE's determination to work and to give value for money up to the very last moment has allowed the spirit of the institution to continue. I hope that the Minister will look kindly at our modest proposals.

4.45 pm

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Meg Munn): I congratulate my hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart) on securing this timely debate. I echo her warm words about the achievements of the British Association for Central and Eastern Europe in central and eastern Europe during the last 40 years.

The association's founders believed that both halves of a then divided Europe shared a common destiny, which has proved to be the case. Ten of the central and eastern European countries where the association operated are now members of the European Union. Croatia, Macedonia and Turkey have candidate status and others aspire to join the EU in time. The map of Europe has changed since BACEE was set up in 1967. The association has played a part in the reunification of Europe by forging links with central and eastern Europe during the cold war and by helping Europe's new democracies transform successfully, but also peacefully, after the fall of the Berlin wall.

The Foreign Secretary recently wrote to Lord Radice, chairman of BACEE, to acknowledge the invaluable contribution it has made to a closer understanding between Britain and central and eastern Europe and to thank all those who have worked for the association for their dedication. I thank Members who have attended this debate and who served on the governing board. I also thank the hon. Member for Hereford (Mr. Keetch), who cannot be with us today.

Of course, I recognise that there is sadness that the work of BACEE has come to an end, but we should see its end as a celebration of its success and an opportunity to deal with the new challenges that face us now in

Europe and beyond. My hon. Friend has already mentioned many of the association's achievements. The organisation was set up in 1967 during the cold war at a time when there were difficult relationships between us and many of the countries of central and eastern Europe. Just a year after its birth, in 1968, we witnessed the Soviet invasion of Czechoslovakia. That was a difficult period for the Foreign Office and it was hard for our embassies in the region to build bridges with the other half of our continent.

The association, then known as the Great Britain/East Europe Centre, was able to get beyond the formal Government-to-Government relations and it forged links with many different people from many different countries. It helped establish a closer understanding between the British people and the countries of central and eastern Europe. It promoted democracy, human rights and the rule of law in Europe through conferences and seminars both in the UK and abroad. It also arranged study visits on a range of subjects, such as the judicial system, the media, minority rights, banking, public administration and the electoral system. It supported what the Foreign Office itself was, of course, trying to achieve in the region.

The association's role changed radically in the late 1980s and early 1990s. The fall of the Berlin wall, the collapse of the Soviet Union and the emergence of countries keen to join the EU changed the nature of central and eastern Europe. There was a major transformation in European politics without bloodshed and conflict.

The association helped to underpin the remarkable reforms in the region in recent years. It promoted the evolution of democratic institutions and market economies, freedom of expression, the effective administration of justice and respect for human rights. It ran projects, study tours and conferences and enlarged its sphere of interest to include Ukraine, Belarus, Moldova and Turkey. I understand entirely that Members who have been involved with BACEE will feel sadness and concern that we are no longer offering it support. It is right, however, that that has been done in a way that allowed for a period of planning over several years. That does not in any way detract from my thanks and gratitude to the director and staff, who have had to deal with this issue for three years.

Mr. Curry: Before the obituary goes on for much longer, I should like to know whether the Minister is saying that the task that BACEE did no longer needs to be done, or that other organisations can do it. If she is saying the latter, which organisations can do it? Alternatively, is she saying neither of those things?

Meg Munn: The right hon. Gentleman served on BACEE, so he well knows that it is a non-departmental public body. We always review the reasons why such bodies exist and whether they should continue to receive Government financial support. We believe that as the world has opened up and civil society has grown, so has our ability to engage directly with local partners, and that the need for such organisations is shrinking. That is a reflection not on the quality or importance of the work that it has done, but on the existence of other options for continuing that work and for direct contact.

Mr. Randall: Does the Minister agree with the hon. Member for Birmingham, Edgbaston (Ms Stuart) that this moment, as the final status of Kosovo is being decided, is as crucial a period for the Balkans as any in the past 20 or 30 years? Trying to say that the job has been done is a gross mistake.

Meg Munn: I am not saying that the job of the UK in engaging with the region has been done. I am saying that the view was taken some time ago, given the opening up of those societies and the different ways in which people can engage, that that was not the appropriate way to continue. I repeat that we must continually review and decide to which organisations we should give financial support. Now that our relationships with countries in the region have been normalised, we can talk to them openly and frankly in a spirit of friendship, and our embassies can work directly to support and promote stability and democracy.

We accept that there is still a need for project work, but the UK Government, non-governmental organisations, trade unions and universities are able to work directly with those countries, often with local non-governmental organisations as partners. Our embassies can represent interests directly. In Serbia, for example, we work directly with a local NGO, Transparency Serbia, on a project to improve public contracting. In Romania, we work with the ministry of justice and local civil society to improve management of the justice sector. The UK continues to fund projects through a variety of bilateral and EU programmes—including "Reuniting Europe", the global conflict prevention pool, the instrument for pre-accession assistance and the European neighbourhood and partnership instrument—as well as through twinning. There are some snappy titles in there. We continue to work on these issues, so I am not saying that we are not going to engage or to work on projects.

As my hon. Friend outlined, BACEE has decided to perpetuate its name and the valuable work that it has done in its lifetime through an annual lecture on a theme appropriate to its work, under the auspices of the School of Slavonic and East European Studies. That is not only a fitting tribute to the organisation's past, but a useful way in which it can continue to affect the future of central and eastern Europe. Given its formidable contacts in the UK and in the region, I am sure that its annual lecture will have authority and resonance with policy makers across the region. As my hon. Friend said, BACEE's first event will be in October, and the Foreign Office has already offered the use of one of its Fine Rooms for that inaugural lecture.

It is rare for a Minister to get away from a debate of this kind without having to respond to some specific points. My hon. Friend asked about continuing Government financial support for the organisation in several ways, but I am unable to give her an answer on that today. We support several organisations in a very different way from the way in which we supported BACEE, but we will seriously consider her requests and whether we have any scope to provide it with financial support.

I repeat our thanks to BACEE for all that it has done in the past 40 years. The greatest tribute to it lies in the unprecedented security and prosperity in Europe today.

Question put and agreed to.

Adjourned accordingly at four minutes to Five o'clock.

Westminster Hall

Thursday 31 January 2008

[MR. ERIC ILLSLEY *in the Chair*]

Reoffending

Motion made, and Question proposed, That the sitting be now adjourned—*[Liz Blackman.]*

2.30 pm

The Minister of State, Ministry of Justice (Mr. David Hanson): I welcome you to the Chair, Mr. Illsley, for what I hope will be a productive debate on how we can prevent reoffending by those who go through the criminal justice system—both those in custody and those undertaking a community-based sentence.

The Government are keen to have this debate, because we are in the process of consulting on a number of documents laying out our strategy for the prevention of reoffending. In November of last year, I launched a number of documents looking at how we can prevent reoffending. Today's debate is apposite because, this very day, we produced the Ministry of Justice prison policy update briefing paper, which was announced in a written ministerial statement this morning by the Lord Chancellor, my right hon. Friend the Member for Blackburn (Mr. Straw).

I am grateful for the opportunity to outline current developments in reducing reoffending, which is an area about which many Members have very strong views. Reoffending is a critical concern of constituents and the communities that we serve—it is a crucial concern to the whole of society and, in particular, to those whose lives are broken by crime, either as victims or offenders. I am very concerned to ensure that we build on this Government's successful record on crime reduction—crime has reduced by 37 per cent. over the past 10 years—by looking at who to deal with and how to deal with them. In my view, tackling reoffending is key to building safer communities and protecting the public from harm. We cannot react to crime by increasing police numbers only, although we have done that, nor can we look at crime in isolation. In the words of my former right hon. Friend, Tony Blair, we must tackle crime and its causes. We must support individuals who have committed crimes so that they do not commit further crimes after release from prison or a community sentence.

By providing a snapshot of the range of social problems afflicting offenders, it can be seen that we face many grave challenges. Opposition Members will share our concerns. For example, 48 per cent. of the prison population have a reading age below or at the level expected of an 11-year-old. Standards in literacy and numeracy are very low among the vast majority of prisoners—82 per cent. for writing. Furthermore, about two thirds of those with a job lose it while in custody. Raising literacy and numeracy levels among those with offending behaviour is key. Faced with such problems, building a new life is a big challenge and, unsurprisingly, many fail. We need to look at how we can tackle such social exclusion and raise literacy and numeracy levels. I hope that this debate will elicit some discussion on that point.

Equally, many prisoners enter prison with drug or alcohol problems that have driven them to crime in the first place. Our duty, as concerned individuals, in caring for those prisoners, is to work with the Prison Service to ensure that on release those drug and alcohol problems have either been invested in and solved or that care is continued.

Mr. Nigel Evans (Ribble Valley) (Con): If I can catch your eye, Mr. Illsley, I hope to make a short contribution later detailing literacy and drug problems. Does the Minister agree that getting prisoners off drugs is one thing, but ensuring that they cannot access them while in prison is another? Will he say something about what the Government are doing to ensure drug-free prisons in this country?

Mr. Hanson: The hon. Gentleman makes a very important point. I cannot guarantee that no drugs will ever enter prison, because there are a number of mechanisms by which they do. However, it is quite clear that we need to continue to take action, as we are doing, to tackle problems with, for example, mobile phone usage—mobile phones can be a link to individuals in the outside world—and to look at prison security measures for visitors, staff and others to ensure that drugs are not smuggled in. Furthermore, we must be very hard on those caught smuggling drugs into prison. There have been some recent very high profile cases involving visitors, prisoners and—sadly—staff in which that has happened. It is important that we take action to deal with it.

I refer the hon. Gentleman to today's announcement, in which we take a very clear view that we need to tackle drug use in prisons and communities at large. We have had some great successes with the number of prisoners testing positive for drugs. Over the past 10 years, that number has reduced from 24 per cent. in 1996-97 to 8.8 per cent. in 2006-07. However, we need to go further. Today's statement has taken forward the drive against drugs with the announcement of a new review reporting to me and the Secretary of State, which will be led by two senior figures to be announced shortly, looking at measures that can be taken to stop the supply of drugs into prisons and at what to do with prisoners needing drug treatment.

Mr. Henry Bellingham (North-West Norfolk) (Con): Further to the point made by my hon. Friend the Member for Ribble Valley (Mr. Evans), I tabled a question the other day about mobile telephones and drugs in my local prison, Her Majesty's prison Whitemoor. In December of last year, 30 mobile telephones were confiscated and there were nine incidents involving the confiscation of drugs, and that is a high-security prison. That reveals the scale of the problem. What more can the Government do to prevent drugs from getting in? They are not coming in with the prisoners, so they must be coming in with either the prison officers or visitors, or over the wire.

Mr. Hanson: I am very concerned about that and Ministers have had meetings with officials during the last couple of weeks to look at how we can improve and make a step change in performance. The hon.

[Mr. Hanson]

Gentleman points to some of the areas that need serious consideration. Mobile phone usage is a damaging problem in prisons. We need to look at how to prevent access to mobile phones, which means preventing phones and chips from being smuggled in to prison. Just before Christmas, I visited a prison in Milton Keynes which has instituted the new body orifice security scanner chair—the BOSS chair—which carries out a thorough body search of individuals arriving in prison to see whether mobile phones or mobile phone chips are hidden on them. They are very small items and I do not need to go into detail about the places that they can be stored. However, they can be stored very easily in various parts of the body. The scanners that we are introducing in high-security prisons are effective.

We need to look at other measures, however, and we are examining whether we can block mobile phone signals in prison areas, which is a very difficult thing to do, because, as hon. Members will know, prisons are sometimes located in city centres and other populated areas. We need to ensure that such changes do not impact on the law-abiding public. However, I can assure hon. Members that we are committed to doing all that we can to prevent mobile phone usage, to apply extra pressure to prevent drugs from going into prison and to work with the police, my colleagues in the Prison Service, prison officers committed to this task and others to ensure that we stop the flow of drugs into prison.

In the general scheme of things, Government investment over the past 10 years has been significant in reducing reoffending and social exclusion. Without going through the list of achievements, it is important to point to some key issues. We have invested in offender skills and offender behaviour programmes and provided supported accommodation to help the rehabilitation of offenders. Last year, 40,000 offenders entered education, training or employment following their release from prison, and I say that with some pride, because it is important that we extend that further. It is important also because employment on release from prison is the key to preventing reoffending.

Today's announcement refers to our examination of how we can build better links with employers, and better training and vocational support in prisons, to increase the employability of people who leave prison. There were more than 32,000 people in offender behaviour programmes last year, and more than 71,000 prisoners went into accommodation on release in 2006-07. That has meant putting significant resources into the prison system, and spending on offender learning has trebled since 2001, standing now at £164 million. Even the report by the chief inspector of prisons this week, which did not—dare I say it—universally welcome Government policy, highlighted the heartening success of prison learning and skills.

Drug treatment is the key to tackling offending and crime, and investment in drug treatment in prisons has gone up by more than 1,000 per cent. since 1996-97, with record numbers of people engaged in it. In March 2008, full, integrated drug treatment systems will be available in 29 prisons, with enhanced clinical services available in a further 24. We expect about 24,500 drug users to benefit this year from advanced clinical services.

Employment is important in preventing reoffending, and we are considering work with the Corporate Alliance for Reducing Re-offending, a group of interested and supportive business people and companies, to show that we can get employers to take on offenders and put people back into work. More than 700 employers work with the Prison Service in the open and resettlement estate, and more than 70 major employers have signed up to the Corporate Alliance for Reducing Re-offending.

In the document that we produced today, my right hon. Friend the Secretary of State for Justice asks me to produce further work on the issue over the next three to four months. I intend to commence shortly a forum with the Under-Secretary of State for Innovation, Universities and Skills, my hon. Friend the Member for Tottenham (Mr. Lammy), to bring together more leading figures from the private and third sectors to consider how we can make a step change in the provision of prison training workshops. Indeed, my right hon. Friend the Secretary of State for Justice this morning visited Wandsworth prison with the companies Cisco, Bovis Lend Lease and Panduit to look at an innovative scheme installing voice and data cabling for enhanced vocational training. My right hon. Friend was highlighting the step change that we hope to achieve. That step change is done for a purpose, because, as I have said, employment opportunities are the key to preventing reoffending.

Jenny Willott (Cardiff, Central) (LD): Has the Minister had dealings with the Federation of Small Businesses? I have talked to representatives of prisons in south Wales near my constituency, and they say that small rather than large businesses are most likely to be open-minded about employing former offenders. It is an area of great potential, particularly in Wales, where there are many small businesses.

Mr. Hanson: It is important that we engage all sectors of the community, because small businesses can and do provide employment for former offenders. The key point is that it is good business practice for the businesses, too, because in many areas, there are skills shortages. I was at a conference in Nottingham yesterday with a range of employers to consider how we can increase the involvement of employers in hospitality, construction, retail and areas where vacancies are hard to fill, with individuals who might fill them. In the Corporate Alliance for Reducing Re-offending, we have, for example, the Camden Garden Centre, a single business in north London, which does sterling work linking up with prisons in London to provide employment for ex-offenders. That is important, because, simplistically, employment, accommodation and help for people to come off drugs and alcohol, together with support from families, are the key factors in preventing reoffending.

I mention families because they are a key part of the solution to reoffending—and not just through maintaining contact with, and support of, people when they are in prison. We must consider how we can improve and develop further programmes on that issue.

Mr. Bellingham: I agree with the Minister that it is vital for prisoners to stay in touch with their families, particularly when trying to secure housing post-release, but does he agree that one problem that prisoners face when trying to keep in touch with their families is when they are moved around the country? I have constituents who would obviously like to be in a prison in East Anglia, or in Norfolk preferably, but they are at the other end of the country—perhaps in Scotland or in the south-west. How can we get around that problem? It is surely the biggest barrier to proper family contact.

Mr. Hanson: In the spirit of co-operation, I agree with the hon. Gentleman, who makes a valid point. He is fully aware of the prison overcrowding pressures that lead to prisoners, on occasions, being placed further from home than is desirable for short-term sentences. We must examine the issue, and the prison building programme is designed to try to increase capacity in areas where there is pressure for local places. It is not satisfactory to have prisoners moved far from home, because the important point about employment opportunities is that we are trying to build links with employers in local communities, to work with local prisons, and to provide training in prison for opportunities when people leave prison. Evidently, if someone were in Manchester—formerly Strangeways—prison and resided in Cardiff in south Wales, they would have less opportunity to reintegrate with society than if they were based in a local training prison. That is one key issue that we must consider.

In south Wales, for example, I am advised that Wiltan, a very small employer, is involved in the Corporate Alliance for Reducing Re-offending. I ask all hon. Members to consider how we can encourage other companies to do such work. The conference that I attended yesterday in Nottingham was designed to do just that: sign up employers in the east midlands to help with employment opportunities by offering training, and, for ourselves, to gear vocational training in prison to the employment needs of individuals outside prison.

Families are important, as the hon. Gentleman and I have discussed, and this year we have spent £5 million supporting children and family pathways to maintain family ties. Most prisoners have a visitors' centre outside the gate, providing information and support to families, and we are working with the social exclusion unit on family initiatives to ensure that we can link up with local services.

The investment in tackling social exclusion has been underpinned by the introduction of offender management. We are considering how to introduce a single sentence plan that covers the entire sentence, and an offender manager, who is based in the community and draws in services to help to meet the needs of the offender. We are considering also how to ensure that risks are managed for the protection of the public. Offender management, which was introduced in April 2006, now covers more than 176,000 offenders, and a further 16,000 offenders in prison. There have been real outcomes. We have exceeded our target, which was set in 2000, to reduce adult reoffending by 5 per cent. A reduction in reoffending of more than 5.8 per cent. was achieved between 2000 and 2004, but we can do more, and the purpose of today's debate is to discuss what else we can do.

We have published the strategic plan for reducing reoffending, which will help us to build a strategy to meet the challenges for the next three years, to deliver public service agreements, to reduce reoffending and to make communities safer. The plan examines how we can work with other Departments to deliver a common agenda. I chair, with my hon. Friend the Under-Secretary, an inter-ministerial group on the prevention of reoffending. Ministers from around the table are considering what needs there are regarding employment, drugs, alcohol, health and other issues, and by examining the causes of crime and by trying to tackle them to prevent reoffending, that work is helping us to commit ourselves to reduce reoffending further by 2011.

Allied to the reducing reoffending consultation, we have produced a consultation document called "Improving Health, Supporting Justice". The Under-Secretary of State for Health, my hon. Friend the Member for Bury, South (Mr. Lewis), has supported it, and the consultation is in the process of considering how we can improve health and social care services for people in the criminal justice system. The document sets out the significant contribution that we are making through the national health service, alongside the contributions of social care and third sector organisations. The House will recognise that that is the key element in preventing reoffending.

Allied to that, my noble Friend Lord Bradley, whom many hon. Members will remember as Keith Bradley, the Member of Parliament for Manchester, Withington, was tasked just before Christmas by my right hon. Friend the Secretary of State to undertake a review of mental health problems in prison. Many people in prison have such problems and could be provided with better services outside prison. We and Lord Bradley need to consider how to improve those services, and recommendations will be made in the summer.

We have launched a further consultation on how we can involve the voluntary and faith sectors in helping us to prevent reoffending. The third sector action plan is available for consultation and considers how we can work with prisoners in the community to help them with third sector and voluntary involvement, which will help the prevention of reoffending strategy. Third sector organisations are innovative and can offer flexible and holistic services such as volunteering opportunities for offenders who have left prison, help with motivation and skills, mentoring, peer groups and maximising opportunities to help people to keep away from crime.

I recently announced new investment of more than £2.2 million in the next three years to support the third sector action plan, including a national infrastructure grant programme to enable organisations better to support and advise voluntary organisations. We are examining demonstration projects to consider what we can do. As the Minister with responsibility for youth justice, I am particularly concerned to consider how we can tackle youth reoffending. We have just made a key development—the Department for Children, Schools and Families being jointly responsible with the Ministry of Justice, for the first time, for managing and engaging with young people and operating secure training centres and other facilities.

[Mr. Hanson]

We have youth offending teams in place and operating effectively throughout the country, co-operating locally with the police and councils to tackle offending. Those teams are becoming particularly effective through the additional training and support that we are giving them. A reducing reoffending delivery plan is in place, setting out the milestones to reducing youth reoffending by 2010. I am confident that, with my colleagues from the Department for Innovation, Universities and Skills, such as my colleagues the Under-Secretary, and with my hon. Friends the Under-Secretary of State for Health, the Minister for Children, Young People and Families, and the Under-Secretary of State for Culture, Media and Sport, we can deal with the causes of crime on the ground and put in place effective solutions.

We are working closely with the National Assembly for Wales, which is of particular interest to me, being an MP from the north of the great Principality of Wales. I am keen to work with all colleagues to co-ordinate Government resources. It is not just about money, it is about how we use services in a much more focused way. Accommodation providers, primary care trusts, local authorities and crime and disorder partnerships are all involved in considering how to prevent reoffending. We have every opportunity to make a real difference.

I refer colleagues to the statement that my right hon. Friend the Secretary of State made today, which is apposite to the debate. The Ministry of Justice has produced today the prison policy update briefing paper, which sets out a further direction of travel on preventing reoffending, including considering how to rehabilitate offenders, tackling drug misuse and learning new skills that help to lead to a life away from crime outside prison.

The key idea in the document, on which I will welcome comments and developments in the next few months, is offender contracts. It is important that we take steps to prevent reoffending; we must help with employment, health, drugs and accommodation. It is also important that the offender, in prison and outside, signs up to a contract to state that they will also contribute to changing their behaviour. It is particularly important for the people whom I represent—the decent people who work hard and pay taxes—that when we invest in prison services, training and support, the offender shows commitment by signing up to a contract to show that they will work with us to change their offending behaviour. That idea is part of the context of today's report, and we will need to consider what sanctions to use and how to develop the system. It will be essential to bring the offender together with Government support.

We need to consider how to develop still further and make greater use of community-based sentences, particularly for people who have committed under-12-month offences. The natural reaction of us all is that people should go to prison and serve sentences for minor crimes, but on some occasions that leads to a revolving door, with individuals going back to prison regularly and not having time to undergo interventions in the community. The reoffending rate for the under-12-month group is much better—about 50 per cent.—after community-based sentences than after prison sentences, for which the percentage is in the high 70s. For that reason, we indicated in today's statement that we want to develop the opportunity for intensive community-based sentences as alternatives to custody.

I was pleased today to announce with my right hon. Friend the Secretary of State the first six projects as alternatives to custody, in which new investment of more than £13.9 million will be made in the next three years. The first project will begin in Derbyshire in March and include a combination of unpaid work, electronic monitoring, behaviour programme mentoring and help with resettlement under intensive supervision. That will add to the 6 million hours of unpaid work and 55,000-plus completions of unpaid work each year and build confidence in community sentences.

I have been on my feet for nearly 30 minutes and outlined the Government's commitment to tackle reoffending. There is a place for people being in prison. We have more than 80,000 people in prison, and there will be a vast building programme in the next five years, because the protection of the public is paramount for the Government. We need to ensure that dangerous, sexual and violent offenders serve long sentences and that the public are protected. Allied to that, we need to tackle crime by reducing reoffending. To do so, we need to consider the needs of people who will leave prison in the next six to nine months and how to build up their training capacity, help them to get off drugs, help them to get back into accommodation and ensure that they play a productive role in society. Our strategy is sound and will lead to a further reduction in reoffending. I commend it to the House and will welcome colleagues' comments this afternoon.

2.59 pm

Mr. Nigel Evans (Ribble Valley) (Con): I am a little surprised that there is such a thin attendance in the Chamber today. I would have thought that the subject was both ideal and topical, and might have attracted a few more Members. I am grateful to the Minister for his comments.

My first comment relates directly to what the Minister said about the 80,000 prisoners that we have. I know that the Government are bringing forward extra places; I assume that they have not made up their mind about the titan prisons idea that seemed to be in the wind at one stage.

Mr. Hanson: Before the hon. Gentleman gets carried down an unfruitful route, I refer him to today's statement, in which my right hon. Friend the Secretary of State said that we will be consulting in April and for the following few months on proposals for titan prisons.

Mr. Evans: I am surprised that we are having yet more consultation. We know that we need extra places; we should just get on with it. We have 80,000 places, and some people say that 80,000 people in prison is too many. I do not know what the Government's thinking is, but the population of the UK is 60 million, with 5 million more within the past several years. One would expect that increase to prompt the need for extra prison places for a percentage of the extra 5 million. We do not want people to be released from prison early, or people who should go to prison not to be in prison, simply because there are not enough places. There is

nothing worse than offenders not being caught or for them not to be sent to prison and then carrying on with a career in crime. We certainly want to get away from that.

The Minister is right about community-based sentences: we should use them where they are appropriate, but there seems to be an impression that either they are not being carried out with the necessary diligence or that some people who should go to prison are getting community-based sentences instead. Those sentences are seen as a soft touch and not as a proper punishment for the crime that has been committed. Sentences have to be credible to the public and should have the backing of the victims of the crime. That does not mean that there should be no community sentences—that would be nonsense—but I hope that the Government will look carefully at community sentences to ensure that they are appropriate and that they have the intended effect.

I have before me the figures on reoffending from the Home Office statistical bulletin. The overall reoffending rate in 2004 was 55.5 per cent. Within that, 64 per cent. of offenders aged between 18 and 20 and 43 per cent. of offenders aged over 35 reoffended.

The Minister mentioned some issues that I want to pursue, including jobs, illiteracy and drugs. The problems with illiteracy and drugs have to be tackled within the family and in schools as early as possible. We have to give our youngsters the best chances possible so that when they leave school they can read and write properly. The statistics that the Minister gave earlier are quite chilling. Why are the figures so high?

In July, I asked

"what proportion of prisoners were recorded as illiterate over the last 10 years."—[*Official Report*, 11 July 2007; Vol. 462, c. 1535W.]

The reply gave figures starting in 1997 and, for some strange reason, ending in 2003. The figures show that the percentage of prisoners whose reading skills are below level 1 is going up. We know that the number of prisoners has gone up, but it is worrying that the percentage with low reading skills has also increased. We must pick up that problem; if there are prisoners who cannot read or write, we must give them all the support we can while they are still in prison. However, the problem prompts the question, why did they leave school unable to read and write? Much more attention must be given to that problem.

The "Handbook for Professionals in the Criminal Justice System working with Offenders with Learning Disabilities", produced by the Care Services Improvement Partnership, states that in some areas of prison there is

"a lack of adapted treatments designed for learning disabled offenders."

It also states:

"Various studies have found relatively high rates of reoffending in the learning disabled population".

If we want our communities to be safer, we need to reduce reoffending. It stands to reason that reoffending can be reduced if there are genuine opportunities for people when they leave prison. It comes down to ensuring that they can read and write. Let us also make sure that alongside reading and writing there is training that is appropriate for whatever job we want them to do when they leave prison.

Perhaps the Minister can say more about the vocational education that will be available to prisoners while they are in prison so that they will at least have more skills and be more employable when they leave. I was delighted when he listed the firms in the UK that are working with the Government and the Home Office to give ex-convicts opportunities when they leave prison. That is good, but we must ensure that prisoners are employable and have the right skills when they are released.

The second issue I want to discuss is drugs. A lot of people who end up in prison have drug problems, and many of them committed crimes to feed their drug habit. The issue affects all our constituents. The 2006 Home Office statistics show that cannabis is the drug used by the largest proportion of prisoners—54 per cent. I know that the Prime Minister is reconsidering the decision that was taken by a previous Home Secretary to reclassify cannabis from class B to class C. I am a former chairman of the all-party group on drugs misuse, and I always thought that reclassification was wrong and would send the wrong message. From what I can read between the lines of the Prime Minister's thinking, he seems to think the same. I hope that he will make an early statement, and that the matter will not drag on for another couple of years while yet more reports appear in the newspapers about young people's psychiatric problems when they get hooked on cannabis and take it over a long period.

We need to ensure that youngsters have the education they need to make wiser decisions about their living habits. Some of that will include information about cannabis not being a soft drug. It is a gateway drug, but even if it does not lead people on to taking other drugs, it could give them psychiatric problems that will be with them for the rest of their lives. Let us ensure that people have a proper education at school, but let us also ensure that they definitely have that education in prison.

Other drugs are popular in prison. Heroin is used by 27 per cent. of prisoners and tranquillisers are used illicitly by 15 per cent. Crack is used by 7 per cent., cocaine by 5 per cent., ecstasy by 4 per cent. and amphetamines by 2 per cent.

I read on the BBC News website that the Government are thinking of banning visitors and relatives who take drugs into prison from visiting, so some prisoners would lose visiting rights. The Government need to consider that idea, but I hope that, in addition, the likelihood of such people being caught will increase. For example, what are the Government's plans about the use of sniffer dogs? People need to know that if they take drugs to their relatives or friends in prison, they will be prosecuted themselves and could end up in the prison they were visiting. They need to know that their action is not cost-free—not that they can try it on and if they get caught taking drugs into prison the worst that can happen is that they will be asked not to come again. They should be prosecuted and face penalties, which, in the worst cases, should include custodial sentencing.

The way to give prisoners with a drug problem the best hope and opportunity is to ensure that they have the medical help they need to get them off drugs in the

[Mr. Evans]

first place and that they have no access to drugs while they are in prison serving their sentence. That is important. Very few prison officers take drugs into prisons, thank goodness, but those who do will be prosecuted if they are caught. They will then lose their jobs, and some will end up with custodial sentences. That is really harsh, but it is right that we should have such sentences and such treatment for prison warders who take drugs into prison.

I hope that the Minister will say something about the help that prisoners can obtain from medical and psychiatric teams. He mentioned the fact that some prisoners have psychiatric and mental health problems, and it is right that they should have the help they need. However, some of those who are in prison today should not be there, because of their mental health problems. Such people need mental health care and should be in psychiatric units getting the treatment they need. The problem is that too many people in our communities need help with mental health problems or, indeed, drugs, but they simply cannot get it. I hope that the Government will look more closely at the issue.

The one way in which we can prevent reoffending is to prevent offending in the first place. That is the No. 1 priority and we must do all we can, as the Minister intimated, to ensure that people are properly educated, that they have good jobs to go to and that they are drug free. However, when people offend we must try to bring the reoffending rate down, and we can do that by ensuring that offenders have appropriate training and the proper education they deserve, that prisons are drug free and that people with drug problems have the medical and psychiatric help that they need.

What we are all talking about is opening doors for prisoners—I know that sounds a bit odd, but that is what this is all about. Doors have been slammed shut on these people for far too long, and many of them feel that they do not have the support they need. We need to give them that support and to open doors for them—preferably at the end of their sentences. When they go out into the community, they should have the support they desperately need. They will then be able to find a job because they will have had the necessary education and training. The chances of their reoffending in the community will thus be greatly reduced, which will lead to safer communities for all our constituents.

3.13 pm

Jenny Willott (Cardiff, Central) (LD): As we all know, and as has been acknowledged today, we have a major problem with prison overcrowding. The Government figures that came out today show that there have been 16,000 early releases in just over six months. As has been said, the report released earlier this week by Her Majesty's chief inspector of prisons, which covered a large number of Prison Service issues, was not, shall we say, very flattering.

When I was preparing for the debate, I was struck by one statistic: the number of convictions has remained fairly constant over the past 10 years, but the number of prison sentences handed down by magistrates courts has more than doubled, and the figure has also significantly increased in the Crown courts. The problem, therefore, is not that more people are being convicted, but that more are being sent to prison for offences for which they would not have been sent to prison 10 years ago.

We have no evidence that prison works. Some 65 per cent. of adult ex-offenders are reconvicted within two years, and the figure rises to 75 per cent. for young adults and juveniles. Nine out of 10 young men who have been sentenced for less than three months end up reoffending within two years. It is clear, therefore, that the idea of a short, sharp shock, which is often promoted in the prison system, simply does not work—in fact, it can have the reverse effect.

To borrow an expression from Anne Owers, we are now at a crossroads; we need to look at what we want the criminal justice system to do and how we will achieve it, and then refocus our resources. That means that we will need to look at the complex roots of crime, rather than just tackling the surface issues. As has been said, we need to look at mental health, drug and alcohol treatment and the obstacles that people face when they try to rehabilitate and resettle in the community. The issue breaks down into three different areas: what we can do while people are in prison, what we can do when they leave prison to ensure that they resettle, and what the alternatives to prison are. It is the last of those that is the most important.

As has been said, some people in prison simply should not be there, and that includes those with serious mental health problems. As I am sure the Minister is aware, a high proportion of people in prison have mental health problems. According to one estimate, four out of 10 people who are being held in prison health care centres should be in secure NHS accommodation instead, but there are simply not enough mental health beds in the system. Between them, the secure hospitals have about 1,200 beds, and a lot of the court diversion schemes are being held back by a lack of beds for people to take up.

The same issues arise in relation to drug and alcohol treatment. The proportion of prisoners who have been convicted of drug offences has risen considerably over the past 10 years, and Home Office research a couple of years ago showed that half of all the offences for which people were in prison were drug related. Again, however, there are only 2,500 residential drug treatment places. Such places cost £6,000 a year less than sending someone to prison. If the underlying causes are tackled, people are much less likely to reoffend and impose a cost on the state. It is therefore a wasted opportunity and a waste of money to put people in prison, rather than tackling the underlying problems. We should therefore invest in drug treatment facilities, rather than new prison places.

Mr. Evans: Will the hon. Lady congratulate Life Education on the work that it does throughout schools? It deals with problems such as drugs and the other harmful things that we put into our bodies. Getting that message across to youngsters at a very young age is what we should be about, and we should have more Life Education centres throughout the UK.

Jenny Willott: I thank the hon. Gentleman. There are some interesting pilots and programmes across the UK, and I shall pick up later on some of the good ideas coming up in different parts of the country. We

should replicate such things and learn from the best practice that has been introduced in different parts of the country.

If we sent one in 10 offenders for residential drug treatment rather than to prison, that would save about £40 million a year. That is a significant sum, which could be much better spent. The Minister mentioned the announcements about improving treatment for drug and alcohol problems, which I obviously welcome, but if they had been made a little earlier we might not have the overcrowding crisis. Some of the results of that overcrowding—particularly the problems with mental health and drug treatment—were worryingly highlighted in this week's report by the chief inspector, which showed that there had been a 40 per cent. increase in suicides in prison. Clearly, these issues have a high cost, and we need to deal seriously with that.

It is clear, however, that some people do need to be in prison, and we all agree that those who are violent and dangerous need to be taken off the streets. As the Minister and the hon. Member for Ribble Valley (Mr. Evans) have said, education and training are critical to tackling reoffending rates. Once people are part of a captive audience in prison, it should be compulsory for them to undertake education and training. We have the opportunity to help them to sort out their lives, so that they do not reoffend when they leave. Clearly, that is crucial to tackling reoffending.

The Minister said that a lot has been invested in education and training, and there are some extremely good programmes around the country, but the recent announcement regarding lockdowns across the estate from Friday lunchtimes because of funding problems is worrying. That takes away 10 per cent. of the time available to people to participate in education and training. Given the massive waiting lists and high demand in a lot of prisons for the training programmes that are available, such a move would seem counter-productive. I hope that the Government will look again at ensuring that funding is available.

I want to mention a couple of good programmes that I have seen recently. I visited Parc prison near Bridgend a couple of weeks ago. It has a couple of interesting programmes in partnership with non-governmental organisations in the local area. One involves working with the YMCA to help the prisoners to get qualifications in physical education and gym management, which enables them to improve their own health but also gives them opportunities to work afterwards. Such schemes are very welcome.

The prison is also running an interesting programme with the Army that trains offenders, so that they have the qualifications and fitness levels they need if they want to apply to the Army on being released. That has been popular among offenders. I would like good programmes and good partnership working such as that to be rolled out, if they are successful, to other prisons so that we can give more people the opportunity to participate in them.

I want to flag up quickly the importance of resettlement programmes, which the Minister touched on. Somebody may have received training, education and a great deal of support in prison, but being released and trying to resettle in the community can be extremely difficult. They often have severe financial problems. Resettlement grants do not cover anywhere near the amount that they need before they have to access benefits. Some interesting work is being done on that crucial part of the process. I would be interested to hear the Minister's thoughts on the development of that work.

Parc prison has been congratulated on its resettlement programme. Its transitional support scheme uses ex-offenders to mentor prisoners who come out of prison. They provide a huge amount of support in helping people to access drug and alcohol treatment, they talk through any relationship problems, and they give advice and share their own experience of coming out of prison. It is quite a new scheme, but it has had an extremely high take-up since its introduction; it has had positive results in more than two thirds of cases. I hope that the Minister can take on board good examples such as that, and see what can be done to ensure that they are replicated in other prisons around the country, so that others have the opportunity to access those advantages when they leave.

Alternatives to prison, particularly community sentences, have been mentioned. They are often portrayed as the soft option, but people who have done community sentences do not agree with that at all. A recent ICM survey was quite surprising, showing that 80 per cent. of the public backed compulsory community work, particularly if drug treatment is available, for young offenders as a better alternative to prison. There is obviously a lot more support for community sentences than we are led to believe by tabloid headlines.

Mr. Evans: Does the hon. Lady agree that we must consider the victims of the crime, as well, and that we should listen to what they have to say? In some cases, the victim might say that a community sentence is appropriate, but I am sure that in many others, particularly those involving violent crime, the victim would want a custodial sentence meted out.

Jenny Willott: Absolutely—I agree with the hon. Gentleman. Before getting elected to this place, I ran Victim Support in south Wales, so I am well acquainted with this subject. However, it is interesting that many victims of crime agree with the findings to which I referred. Surveys of those people tend not to have very different results, particularly if communities can participate in deciding on community sentences.

My party is keen on promoting the idea that if communities can identify the work that needs to be done, and if offenders who have harmed the community undertake unpaid work to right the wrongs in a particular area—it might be removing graffiti, litter-picking or another activity that is visible in the community—that helps victims to feel that something good has come out of their experience. Moreover, if such an initiative is high profile, it can put other people off offending in the first place. Clearly, such an idea can be developed.

Mr. Evans: It can also make communities safer and more attractive places in which to live. Like me, I am sure that the hon. Lady can think of many examples of councils saying that they do not have money for certain projects that are desperately needed. Perhaps community

[Mr. Evans]

sentences could not just improve communities but act as a small way for offenders to repay the communities that they have damaged.

Jenny Willott: Absolutely. Some interesting projects have been undertaken in my constituency. Graffiti removal, litter-picking, clearance of overgrown bushes and so on have been carried out by young offenders. As the hon. Gentleman said, it has an impact on the feel of the local community. Such activities can have a positive impact.

It is also clear that community sentences result in a lower reoffending rate than prison sentences. Yesterday's National Audit Office report showed that the reconviction rates are even lower than expected, which is positive. However, it did raise some concerns: not all the conditions of community orders are being met, and there is a lack of proper record-keeping—it is not clear when people have completed their orders. I would be grateful if the Minister gave us some feedback and told us what might be done to improve record-keeping and reporting, so that community sentences are genuinely and properly monitored and enforced. People need to feel that community orders are not an easy option, and that offenders have to go through the whole of an order before they are released, as it were.

I also want to flag up restorative justice, which, again, is relatively new. There are some interesting pilots, including one in Cardiff prison. Obviously, it is early days, but I hope that the Minister will commit to taking on board the lessons learned from those pilots. Some of the early ones have been very successful in changing offenders' behaviour and making them appreciate the impact of their actions on other people. That might be an important way to reduce reoffending in future.

The Government's policy on prisons and reoffending has had a battering this week from Her Majesty's chief inspector of prisons and the NAO. Some good things have come out of this morning's statement, and I hope that we can all work together and share some of the good ideas. However, I have concerns about "titan" prisons. All the evidence shows that small is beautiful, and that larger prisons are less secure and less likely to reduce reoffending. There are some fantastic pilots and some good partnership work in prisons around the UK. I hope that the Government will take that on board and ensure that tackling reoffending, rather than just locking people up, is the key priority of their prisons strategy.

3.28 pm

Mr. Henry Bellingham (North-West Norfolk) (Con): This certainly has been an interesting debate. My party welcomes it, but we regret to some extent that the Secretary of State for Justice and Lord Chancellor has not made several oral statements this week. We had today's written statement on prisons, and the briefing paper. We had publication of the report of Her Majesty's chief inspector of prisons, and we had a written statement on the reorganisation of the Ministry of Justice following the Brennan review. It is a great pity that the Secretary of State did not make a statement to the House at some stage this week so that many more colleagues could have been given the chance to comment on those important issues.

I take on board entirely the point that the Minister may make that the Government proposed this debate this afternoon, and that many more colleagues could have turned up, but I think he will agree that prime time in the Chamber is obviously worth more than an afternoon debate in Westminster Hall, with great respect to you, Mr. Illsley. I do not want to hurt your feelings—these debates are important.

I certainly welcome the Government's emphasis on trying to prevent reoffending, because the cost is huge. In 2002, the social exclusion unit brought out a report called, "Reducing re-offending by ex-prisoners". It put the cost of recidivism at £11 billion. Today's figure is likely to be more than that, probably north of £12 billion. If we could save even half of that, there would be a huge dividend to reap and to spread around the Department wisely. That is certainly badly needed, because we have a crisis in prisons. I do not think that the Minister would deny that we have a serious problem.

Prisons have been designed not just to punish, but to rehabilitate, to re-educate, and to enable prisoners to have a fresh start in life on their release, but for that to happen, we must remove the overcrowding problem, we must stamp out the drugs problem, and we must reduce churn in the system. The point that I made when I intervened on the Minister was that prisoners may be sent initially to a prison near their home, but because of overcrowding they are often moved elsewhere, and there is no continuity. That presents challenges if they hope to stay in touch with their family, and if they have a serious drugs problem or mental health problem, there is no continuity in their treatment programme. There are also important implications for housing. If the family have broken up, and lost their council house, being moved around the country means that the chances of them being able to secure a firm connection with an area will be greatly diminished.

Jenny Willott: Does the hon. Gentleman agree that that is worrying in areas such as Wales, where there is no women's prison? Women in Wales who are sent to prison are often sent quite a distance from home, which puts additional strains on their families and makes it difficult to maintain family relationships. That highlights one of the reasons why Baroness Corston's review recommended smaller units closer to home, which would be a positive way forward and would tackle many of the problems that the hon. Gentleman raised.

Mr. Bellingham: The hon. Lady is absolutely right. I was not aware that there are no women's prisons in Wales, so I have learned something from her today. If we can ensure that prisoners have much closer contact with their families, the chances of them being properly resettled and going back into work after release will be greatly increased. I take on board the hon. Lady's point about smaller prisons, but the Minister will say that the cost would be huge.

I have looked at the report of Her Majesty's chief inspector of prisons for 2006-07. The Minister made an understatement when he said that it was not entirely complimentary, and it is not. It is tough, it is hard-hitting,

and it makes awkward reading for the Minister, so no wonder the Government did not want to publish it alongside an oral statement. Anne Owers says in her introduction that

"the prison population went from one all-time high to another, staving off disaster only by a series of short-term, often expensive, emergency measures, together with the crisis management skills of those working within the prison system."

3.33 pm

Sitting suspended for a Division in the House.

3.38 pm

On resuming—

Mr. Bellingham: I shall try to regain my thread after that short break. We were looking at the 2006-07 annual report of the HM chief inspector of prisons. On page 7, the report states:

"That crisis was predicted and predictable: fuelled by legislation and policies which ignored consequences, cost or effectiveness, together with an absence of coherent strategic direction."

On suicides, which have gone up 40 per cent. from 66 to 88, the report states:

"This is not merely a reflection of an expanding population."

There has been a significant increase.

Under Operation Safeguard, the report states:

"Vulnerable prisoners such as juveniles, foreign nationals, those at risk of self-harm, or those with healthcare needs are supposed to be excluded. However, inspections have found that this is not always the case."

We have been talking today about the issue of work in prison and training. When it comes to training and outside activity, the report states:

"This year's inspection reports show that, overall, there was insufficient purposeful activity in adult male closed prisons. Nearly two-thirds of those prisons were assessed as performing poorly or not sufficiently well".

A number of important observations have been made today about drugs. The chief inspector of prisons states:

"Prison has become the default setting for those with a wide range of mental and emotional disorders and unless gaps in community provision are filled, prisoners will continue to fall through them and into our overcrowded, increasingly pressurised prisons."

In respect of resettlement pathways, the chief inspector states:

"Few prisons had a resettlement strategy and policy that was coordinating work, was based upon prisoner needs and was fully delivered."

To say that this was unhelpful is the understatement of the year. It must rank as one of the hugest understatements ever made, because it is a very damning report.

There are some positive observations in the report, particularly what the chief inspector said about training and skills, but no one can doubt that we probably have the worst prison crisis in our history and certainly the worst of any developed nation. That has a huge impact on reoffending, because all the evidence points to the fact that if people can sort out and improve their prison regime, stamp out the drugs and improve education and training, they can reduce recidivism substantially.

I am very concerned about drugs and I have been going on at the Minister about the issue for quite a long time. Drugs and mental health problems are often linked, but why are there so many drugs in prisons? As I mentioned, they are coming in not on the prisoners, but on prison officers, on visitors or over the wire. I tabled a written question about a prison just outside my constituency, HM prison Whitemoor. I asked for a breakdown of the number of mobile phone confiscations and drug confiscations over the past year. I found it staggering that the total from January to December 2007 was 60 mobile phone confiscations and 58 drug confiscations. I find that very depressing. Whitemoor is a high-security, state-of-the-art, newish prison. The security is very tough. Presumably there is screening of visitors and there is a highly professional prison officer staff, yet more drugs are still getting in. That was an increase on the previous year. There was a worrying increase towards the end of last year: there were 10 incidents in October, six in November and nine in December, up from lower-levels earlier in the year.

The Minister talks today about some action. He talks about bringing in sniffer dogs. We welcome that. The Secretary of State for Justice and Lord Chancellor talks in today's prison policy update, the briefing paper, about the integrated drug treatment system. He says that, by April, 29 prisons will have that, but why cannot more prisons have it? Surely we need a complete roll-out of that system. Continuity of care is also needed. As I mentioned, if prisoners are for ever being churned round the system, how can there be continuity of care?

Mr. Hanson: I would be grateful if the hon. Gentleman gave a costing for that commitment to roll out the system to all 141 prisons that we have.

Mr. Bellingham: I am delighted to hear that. It proves—

Mr. Hanson: No, I am asking whether the hon. Gentleman has a cost for rolling out the programme to 141 prisons as he requested.

Mr. Bellingham: We are not in government; we are the Opposition and it is our job to question the Minister and hold the Government to account. The Government said a while back that they would roll the programme out to more prisons, yet we see that the target is only 29 prisons by April. The Government are keen on the programme and we say that it has a number of very good aspects, so let us see it rolled out further and let us see the commitments that the Government have made being honoured. I support much of what the Government are trying to do on the drugs front, but more must be done.

Another consequence of the prisons crisis is the impact on bail. Opposition Members believe that public safety must be the key consideration in all bail cases, but the jails are full and judges and magistrates are being repeatedly pressed by Her Majesty's Government to keep suspects out of jail. There have been tragic consequences. We heard the other day about the case of Gary Weddell, the policeman who was given bail by the judge, largely because the judge felt that, first, Weddell was someone who would not

[Mr. Bellingham]

commit an offence while on bail, and secondly he had little alternative because of the crisis in prison places. The attitude of judges and magistrates now is that, where possible, they will not keep someone in custody even though they could well commit an offence.

In 2006, 5,500 suspects—one in 10 of all those bailed on charges of violence—failed to appear in court. We believe that there are serious constraints in the Bail Act 1976. There is a need for judicial discretion. We believe above all that the presumption of innocence needs to be balanced against public safety. We have to consider public safety. That is why the Opposition have launched a consultation on bail. We want to examine carefully whether public safety should be made an explicit component of bail decisions. We want to consider removing the right to or reversing the presumption of bail in respect of certain serious offences. We will consider exempting those previously convicted of certain crimes from a right to bail and perhaps removing the presumption of bail for some categories of convicted but unsentenced offenders. We also want to consider making greater use of conditional bail. We will consult on those issues widely and when we have completed our consultation, we will make an announcement, but I can tell the Minister that the Opposition are taking that very seriously.

Mr. Hanson: Again, has the hon. Gentleman made any assessment in his initial thoughts on this matter of the impact on prison places of any changes that he is proposing? If so, can he tell hon. Members how many extra places we will need in response to that policy?

Mr. Bellingham: We have launched a consultation and obviously consideration of the impact on prison places will be a key ingredient in that. I repeat that it is our job as an Opposition to hold the Government to account. We believe that the Government are making a large number of mistakes. We understand the problems and the constraints that they are under and of course we will enter into a dialogue with them. With regard to bail, we want to have constructive engagement with the Government and we want to come up with some ideas. When we have, obviously we will ensure that they are properly costed and we will put them to HMG.

How have the Government reacted to the crisis in our prisons? One of the things that I regret—I am quite angry about this—is that part of today's statement on prisons was leaked to *The Sun* newspaper. I find it reprehensible that a very important ministerial announcement, particularly the part of it that relates to titan prisons, has been leaked. The Secretary of State for Justice and Lord Chancellor said something on Tuesday about titan prisons; he said that he did not think that there would be an announcement in the immediate future. The Prime Minister said yesterday that he thought that there would be an announcement in the near future. We had conflicting reports of what the two were thinking and saying. In today's statement, it is announced that we will see three titan prisons.

Those of us who came in early and looked at the newspapers saw that that was in *The Sun*. Why was that leaked to a national newspaper? Perhaps it was leaked in that way because, as the hon. Member for Cardiff, Central (Jenny Willott) pointed out, the figures on the early release scheme are not very good. Of the 16,000 people who have now been released on the early release scheme, 300 have committed violent offences, and among those crimes has been one murder. That is appalling. Perhaps it was to take away from that announcement that the Government decided to leak this announcement in advance. I do not know.

I have had a good look at today's briefing paper and there are some positive ideas in it. There is talk about prison ships, allowing prisoners to carry out more work and more community sentences, but much of it is simply recycling old ideas. Is there anything really new in what the Government are saying?

Then we come to the issue of reducing reoffending. I am concerned that the on page 8 of the prison policy update briefing paper, in the chapter on reoffending, the Government say:

"Since 1997 the number of re-offenders has fallen by 6.9 per cent. against the predicted level."

Actually, reoffending is going up year on year by the same small amount. It is pretty consistent, yet it has fallen against the predicted level. It is rather as though the Government have moved the goalposts. They make a prediction and set a predicted level that they obviously have a good chance of undercutting, and then they can say that the number of reoffenders has fallen. The headline is "Reoffending has fallen by 6.9 per cent.", but it says in brackets that that is against the predicted level. We must be clear on that. Will the Minister tell the House how the Government arrive at the predicted figure, what type of analysis goes into it, and how detailed the research behind it is? Is it simply a question of the Government moving the goalposts as it suits them?

The other important paper from the Ministry of Justice is, "Working in partnership to reduce re-offending and make communities safer". We agree with a lot of what the paper says, but I should say to the Minister that the Government have had 10 and a half years in government to address vital problems such as reoffending and to sort them out, but all we get is a consultation. We want more action. The paper gives the impression that because there is a new Ministry that has a year-zero strategy, the problems started only six months ago, so it does not have to take responsibility for what happened before. I am sorry, but the paper shows no sense of urgency.

On page 15 of Her Majesty's chief inspector of prisons report, he states:

"In our surveys, only 48 per cent. of young adults felt that they had done anything that might prevent them reoffending".

That is worrying. I agree with everything that the Minister says about reoffending, but it is vital that we sort it out, and that the progress that is being made continues.

The third sector—the voluntary sector—does an absolutely superb job. There is no doubt about that. However, the hon. Lady spoke about the third sector, and pointed out that we have a Friday lock-down policy, which involves locking prisoners down for the weekend from Friday onwards. That policy will mean that a large number of voluntary and charitable organisations that do excellent work in prisons will not be allowed to go in. On one hand, the Government

make great play of the role of the voluntary sector—we welcome what they say about that in today's report, and what it says in the consultation paper to which I referred—and they use warm, encouraging and positive words, but, on the other hand, the practicalities are different. The third sector will take a heavy body blow because of the lockdown policy. I shall give way to the hon. Lady because she first raised that point.

Jenny Willott: Does the hon. Gentleman share my concern that the long period of lockdown—it will last from lunch time on Friday until Monday morning—will be particularly worrying for those with mental health problems and the most vulnerable prisoners, and about the impact that it might have on their mental health? Given the sharp increase in suicides, is he as concerned as me about the state of vulnerable people in prisons?

Mr. Bellingham: I am concerned about that. In HMP Whitemoor near my constituency, there has been an alarming increase in the number of suicides in the past year. I am concerned that the role of, and the excellent work carried out by, the third sector will be inhibited by the lockdown policy.

The Minister mentioned training, skills, and improving reading and writing, which is mentioned in today's paper. I agree with the Minister—the official Opposition support everything that the Government are doing to encourage reskilling and retraining. We support what the Minister said about the corporate alliance and the many employers that have signed up to it. The Government are doing some good work, and I hope that the Minister will smile and accept that when things are going well, we will pat the Government on the back and hopefully work with them. However, will the Minister say whether he feels that more could still be done? There are a lot of small businesses out there—the hon. Lady made this point—that would like to play a part in helping the wider community by taking on more ex-prisoners. However, they find it difficult because there is a stigma attached to ex-prisoners. Often, they come out of prison after three or four years without training or skills rebuilding. There is a stigma attached to taking on ex-prisoners. How do we change those attitudes to address that problem? How do we get organisations such as the CBI, the Institute of Directors, the Engineering Employers Federation, and the Federation of Small Businesses to become more engaged with the problem? How do we persuade them to address the problem in a more dynamic and active fashion?

Does the Minister feel that there is any scope for, or possibility of, incentivising employers? In some states in America, employers are given a grant to take prisoners on when they are still in prison. Employers will identify someone who has IT, marketing or plumbing skills, for example, and they will take them on while they are still in prison, perhaps not as an apprentice, but as a potential employee. They will help with a training programme, for instance, and take them on afterwards, and the grant continues into employment. Alternatively, we could look at some form of tax incentive. Has the Minister considered that? A small tax incentive afforded to a business might well be tax neutral, because the prisoner would not claim benefits such as housing benefit. Will the Minister say something about that issue?

A paper on the structure of the Ministry of Justice came out this week. There is now a split: the director general will be in charge of policy and sentencing, and National Offender Management Service and the Prison Service will form the other strand. My reading of that is that the Prison Service is taking over NOMS. After four and a half years and £2.5 billion spent on the NOMS structure, the Government are tearing it up and starting again. They launched NOMS, but did not think it through carefully enough. It cost a huge amount of money—perhaps they did not take the right advice—and they are now unscrambling a lot of the work that was done on the project in response to the prison crisis.

Will the Minister say something about custody-national offender management information system, the IT programme? The official Opposition have asked various questions on C-NOMIS and I put it to the Minister that it has been a big disappointment. C-NOMIS was supposed to be an all-singing, all-dancing system that would make end-to-end offender management a reality, so that people in one part of the process would know what was happening in the other. The system was meant to enable the probation service and the Prison Service to talk to each other. Will the Minister confirm that C-NOMIS will now apply only to prisons? The whole raison d'être of the system was that it would cover the end-to-end management of offenders, so it would be a big disappointment if it applied only in prisons.

I mentioned that there is a huge dividend to be reaped from cutting back or reducing recidivism. A 10 per cent. reduction would lead to a figure north of £1.2 billion, so there is a huge prize out there. However, I believe that there is very little chance of winning that prize. There are warm words in the documents and consultation papers to which I have referred. In 10 and half years, we have had papers, directions of travel, consultations and taskforces, but we need real leadership, action, determination and imagination. I am impressed by the Minister, having seen him in action; his heart is in the right place, and he and his team are absolutely determined. When they come up with imaginative, well thought out, well costed and sensible measures, the Conservatives will give 100 per cent. support, but until the Government tackle the causes of the prison crisis, they will not make the progress that the Minister promises.

4.9 pm

Mr. Hanson: We have heard some helpful contributions to the debate. There is some common ground between the official Opposition spokesman, the hon. Member for North-West Norfolk (Mr. Bellingham), the hon. Member for Cardiff, Central (Jenny Willott), who spoke for the Liberal Democrats, and the Government on some of the key issues that we face on the reoffending agenda. There is common ground on the need for employment opportunities, on help with drug treatment, on a co-ordinated approach between prison and the outside world, and on accommodation challenges and other issues. However, some valuable issues have been raised and I would like to respond positively to them.

[Mr. Hanson]

The hon. Member for Ribble Valley (Mr. Evans) raised the question of prison building, a point mentioned also by the hon. Members for North-West Norfolk and for Cardiff, Central. Over the past 10 years the number of prison places has risen by some 20,000. Over the next period, until 2014, we will be looking to increase the number by a net 15,000 to 16,000, in a new modernised estate.

More than £1 billion of capital expenditure will be put in by the Government over the next three years, and we give a commitment to consider continuing that in the next comprehensive spending review. It is the biggest building programme for prisons that we have ever seen. However, I accept that there are discussions to be had and issues to be raised.

The hon. Member for Cardiff, Central touched on the question of titan prisons, a subject raised by Conservative Members, too. We have today indicated that in April and the following few months we will be consulting on the design of those prisons and on their modality—what they do, their usage and the efficiency savings that we believe can be made. It is an important building programme, and I hope that there will be a commitment to it from both sides of the House.

The hon. Member for Ribble Valley touched on the important issues of literacy and employability—again, a common theme. We share some common ground. We need to make a step change in the work undertaken in prison, to attract employers into the service and to make links with employers outside to ensure employability. When I visit prisons—I have visited more than 20 over the last six months—I look at the skills needed outside in the job market, and the skills shortages. A tremendous amount of work is going on in prisons in terms of construction, decorating, retail and hospitality, but as "Prison policy update" indicates, we need to do more. We need to raise the game on vocational training and we need to encourage more employers, small businesses and large, to take on board our wish to create further employment.

The hon. Gentleman raised the question of drugs. I share his aspiration. It is not acceptable for individuals to try to smuggle drugs into prison. We already have 440 passive and active search dogs. We have CCTV in social visiting areas, and low-level fixed furniture in category C prisons and above. There are comprehensive measures to deal with visitors who smuggle drugs, including closed visits, visit bans and police arrest. We will not rest in tackling staff corruption, although in fact there is very little because staff view corruption as unacceptable and below their professional standards.

As I said earlier, we have looked at measures on intelligence systems with regard to mobile phones, including blocking systems and access to BOSS chairs. Indeed, in Wales I recently visited Parc prison, where there was close co-operation with the police in undertaking regular random searches of visitors. Each prison now has access to a police liaison officer. We are to have a step change in targeting those involved in supply; there is a clearly defined strategy for that, and we want to build on it.

The hon. Gentleman also mentioned cannabis and penalties. My right hon. Friend the Home Secretary will be making an announcement in the spring, following the review of the classification of cannabis. The hon. Gentleman will know that the current classification is category C. That means in effect that anyone caught in possession of the drug can be sentenced to up to two years in prison: and anyone supplying it can be sentenced to as much as 14 years. In the event of its reclassification to category B, the 14 years for supplying would be retained but the tariff for possession would be increased to as much as five years. We take the matter seriously. My right hon. Friend is examining the matter and will be carrying out further work shortly.

The hon. Member for Ribble Valley mentioned the need for psychiatric support and care. He was right to do so. Indeed, the point was also made by the hon. Member for Cardiff, Central. We have allocated funding to enable full and integrated drug treatment systems and to allow the introduction of clinical and psychological elements. The Department of Health will soon announce additional funding for the clinical elements of drug treatment, which will restore funding to past levels. It is important that we consider that issue.

The matter of mental health was also raised by the hon. Lady. She will be aware that Lord Bradley is undertaking a review. I am very open about it. As the hon. Member for Ribble Valley said, too many people in prison have severe mental health problems and could be better treated outside. I do not want to prejudge Lord Bradley's report, but we have given him clear guidelines to report by the summer on whether the right people are in prison, what level of treatment is right for those in prison and whether we need to make a step change in policy in those areas.

The hon. Members for Cardiff, Central and for North-West Norfolk both mentioned the pressures caused by prison overcrowding that can result in suicide. I am not content about any suicide in prison, because it represents the failure of an individual's life. It is not something that I want to happen, and we are taking all possible steps to try to reduce the level and number of suicides in prison.

Although the number of suicides in prison is rising, the rate per 100,000 of the prison population is falling. Over the last four years, the suicide rate has fallen. The number has increased because the prison population has increased. Overall, the rate per 100,000 is falling, but sadly the number is increasing as more prisoners enter the system. We have a suicide prevention group, and we are looking closely at what more can be done to reduce the number of suicides. I am confident that we can do so.

The hon. Member for Cardiff, Central mentioned mentoring at Parc prison. I have visited the prison and seen the mentoring operation. Again, I am open to suggestions—indeed, I am grateful to all hon. Members for their suggestions—as to what can be done to reduce the reoffending rate by building on good practice. I have indicated that we want to work further with the voluntary and third sectors. Today's report indicates that we want to consider new and imaginative ways to reduce reoffending, and I am happy to do so.

The hon. Lady mentioned community sentences. As she knows, I believe that community sentences can be an effective way to reduce reoffending. The predictive rate of offending is much lower in many cases for which

a community sentence is imposed than it is for custodial sentences. As we say in today's document, we are funding at least six intensive alternatives to custody projects with new investment over the next three years. Last year, 55,000 unpaid work sentences were successfully completed. The number of community and unpaid work sentences increased by 26 per cent. between 2002 and 2006.

The hon. Member for North-West Norfolk raised concerns about the completion of community sentences. The National Audit Office report indicates that more work needs to be done. I am not satisfied that individuals who do not complete their sentences have a valid reason for not doing so. We need to up the compliance rate and I ordered a report on the subject in December 2007. Increasing compliance with community sentences is a serious matter. It is important for public confidence that community sentences are completed.

Jenny Willott: Will the Minister confirm that when the Government look at community sentences, they will ensure that public and community involvement is a key part of designing the type of unpaid work that offenders will undertake in their local community, so that the local community feels that it has a stake in what is going on?

Mr. Hanson: I certainly will. I refer the hon. Lady to page 20 of the "Prison policy update" briefing paper. In the first paragraph, we indicate that we want to consider

"citizen's panels to decide on which projects offenders should undertake in their local area."

I can hear a sliver of interest being expressed by Opposition Members. In essence, that scheme would allow the local community to determine what projects offenders would undertake in their area as part of paying back the community. There is already some good practice going on locally. There are mechanisms for considering such community involvement, and we want to embed that involvement still further and examine how we can take it forward.

The hon. Member for North-West Norfolk made some very kind comments about the Government, but as ever, he also raised a number of issues that demand answers. I will start with his remark that prisons are "in crisis" and that the reports by the chief inspector and others show that to be the case. I will not deny that we have had a very challenging year in the prison system, and we have had to take some very difficult decisions on the end of custody licence, prison building and a range of other issues since the Ministry of Justice came into being. The report to which Anne Owers refers is for 2006-07. The Ministry of Justice came into being on 9 May 2007, so the vast majority of that report refers to a previous incarnation or a previous part of the Government—I accept that the Government are the same—with different Ministers in place. Since May last year, and particularly since June last year when the new Prime Minister took office, we have tried to make a step change in some of these issues.

The hon. Gentleman is right in saying that the cost of reoffending is £11 billion and that we face serious challenges within the prison system. I am not happy with the fact that we are using police cells to house prisoners because of overcrowding in prisons. There is a cost to the taxpayer, and there are difficulties in the administration and logistics of that use of cells. That is why we have put in more than £1 billion to build new prison places; why I am going to Merseyside tomorrow to open HMP Kennett, a brand new prison that was commissioned last year by my right hon. Friend the Member for Airdrie and Shotts (John Reid), the former Home Secretary; and why, on Monday, I am going to Norfolk—the hon. Gentleman's part of the world—with the hon. Members for Mid-Norfolk (Mr. Simpson) and for North Norfolk (Norman Lamb), to look at turning RAF Coltishall from a redundant RAF base into an active prison by the end of this year, in the light of such investment in new prison places. That is also why we have a major programme for such new prisons in future.

The hon. Member for North-West Norfolk mentioned safeguards against suicide, in respect of which there are a range of issues. However, I am confident that, as Anne Owers said, we are at a crossroads. We are putting forward positive ideas not just on preventing reoffending, but on prison policy. The hon. Gentleman also mentioned drugs and mobile phones. As I said to the hon. Members for Cardiff, Central and for Ribble Valley, a tremendous amount of work is already going on on those issues, but today we have announced that we want to do even more. We want a review of drug policy urgently for the next three months, to examine how we can help to prevent people from staying on drugs; accordingly, we also want to look at security issues.

The hon. Gentleman mentioned in passing the reorganisation of NOMS. There was a hint of criticism from him regarding the Government's not responding to and referring the matter to Parliament, but he will know that we have made a written statement on today's announcement, and on Tuesday we made a written statement on the announcement about reorganisation. We made that statement on Tuesday so that Opposition Members could question the Secretary of State for Justice during questions on Tuesday afternoon. We also made a statement before Christmas on prison population and we are content, as today's debate has proved, to offer time to discuss the issue of reoffending. Indeed, I hope to offer other opportunities to discuss prison policy, including women's prison policy, as discussed in the Corston report. On this very day and again next week, we are having debates on that subject in another place to help Members to reach conclusions about it.

I must say that the reorganisation is not a prison takeover; it is a commitment to NOMS, and it is about removing needless bureaucracy and being able to put the resources that are freed up into the front line. I am confident that the review, which will allow both London and Wales to become one unit from April, and the rest of the regions of England and Wales to be rolled out as units over the next two years, will be a success.

The hon. Gentleman mentioned the reoffending rate, the issues relating to reoffending generally and the predicted rate of reoffending. The adult reoffending rate fell by 5.8 per cent between 2000 and 2004, on the latest data; the reoffending rate for ex-prisoners has fallen by 4.6 per cent., and the reoffending rate for those with community sentences has fallen by 6.7 per cent. The figures for youth reoffending are not as good and we must focus on that issue; the figures basically

[Mr. Hanson]

remained stable over that five-year period. The hon. Gentleman also asked whether there is concern about the predicted rate of reoffending rate versus the actual rate. The actual rate has also fallen, from 57.6 per cent. to 55.5 per cent. over the same period. Therefore, both the predicted rate and the actual rate have fallen—the predicted rate by more, but the actual rate has also fallen.

Using the predicted rate is not about moving the goalposts. Assessment of school performance is based on the intake of the school, in the same way as we assess the characteristics of offenders in a cohort. We look at what happens with those offenders, including whether they are likely to reoffend, and we try to make fair comparisons accordingly. As I said, the overall reoffending rate has fallen for adult offenders by 5.8 per cent., and in actual terms from 57.6 per cent. to 55.5 per cent.

The hon. Gentleman also mentioned C-NOMIS, the custody-national offender management information system. I would like to reassure him that NOMIS—the national offender management information system—has not ended, that end-to-end offender management is in place and that we are rolling out NOMIS to prisons. However, as part of this reorganisation, we are looking at how we can completely integrate probation and prison services as part of the end-to-end management of offenders.

The computer system had to be reconfigured. I am sure that anyone representing the interests of the taxpayer who is given a figure showing a massive increase in the cost of a scheme would have to consider reconfiguring it. I did that in August, in what I believe was a positive way.

Mr. Bellingham: Is it still the Government's intention, if they can find a cost-effective way of using C-NOMIS as the all-embracing system for end-to-end offender management, to use it for that purpose? I take on board the Minister's point about the system running over budget and his trying to control costs, and his saying that the system will be restricted to prisons for the time being. Nevertheless, surely the system's raison d'être was the end-to-end management of offenders.

Mr. Hanson: We were in a number of phases of rolling out the end-to-end offender management system, and the computer systems are in place to meet our objectives. NOMIS has been rolled out in prisons. There will not be the same level of criteria and the same level of access as there would have been under the old system. However, in making that change I have potentially saved between £300 million and £400 million on the overall costs and it is important that we have made that saving, because the cost of the aspiration was unrealistic. I have had to look at scaling back the system to meet our objectives and the needs of end-to-end offender management, but in a cost-effective way.

We have had a positive debate today. I believe that there is a common agenda on many of the points that we have discussed, and I urge the Members present to continue a dialogue on how we prevent reoffending. I believe that we have a very positive tale to tell. Consultations are still open on a number of issues. The policy paper that we have discussed today, "Prison policy update", sets out the direction of travel, and I commend it to my colleagues here today.

Question put and agreed to.

Adjourned accordingly at twenty-nine minutes past Four o'clock.

Westminster Hall

Tuesday 5 February 2008

[MR. DAVID AMESS *in the Chair*]

Housing (Standards)

Motion made, and Question proposed, That the sitting be now adjourned.—*[Ms Diana R. Johnson.]*

9.30 am

Mrs. Ann Cryer (Keighley) (Lab): When I was married to my late first husband, Bob Cryer, in 1963, we managed, fortunately, to rent a house from a Mrs. Singleton. I do not want to sound like a Monty Python sketch, but we had an outside toilet and no bathroom, and our only heating was a coal fire. Eventually, we redecorated the house, made it snug, and put a water heater in the kitchen. Mrs. Singleton was so impressed by our efforts that she put our rent up from £1 a week to £1.50. So much for our efforts.

Chris Ruane (Vale of Clwyd) (Lab): Tory.

Mrs. Cryer: She probably was.

This morning, I want to focus on the problems in the Bradford district as a whole. Social housing is quite a hot topic today, because my right hon. Friend the Minister for Housing has been talking about how to manage social housing. Although I do not agree with some of her comments, she apparently said on the "Today" programme that she looked forward to having more and better social housing. That is what I am asking for in my constituency.

In the Bradford *Telegraph and Argus* last night, my hon. Friend the Member for Bradford, North (Mr. Rooney) apparently berated the Bradford Community Housing Trust about the lack of consideration for tenants in his constituency. Over past months, I have had numerous complaints from constituents on various estates in my constituency about the lack of repairs and care by the trust. This morning, I shall focus on one estate—the Woodhouse estate.

At a public meeting in Keighley in September last year, a representative of BCHT, the quasi-private organisation that took control of council housing following the stock transfer in 2003, admitted to tenants that they were living in homes that needed £45,000 of repairs each. I acknowledge the chronic condition of housing, but BCHT continued to receive rent either from its tenants directly or from the public purse via housing benefit. My attempts to seek an explanation as to how BCHT intended to remedy its self-confessed problem were met with comments, published in *Inside Housing*, that dismissed my calls for accountability on the ground that I was electioneering.

MPs may be accused of that whatever we do. Perhaps the trust would have me do nothing about anything. However, the fact that it has repeatedly failed to answer legitimate questions from an elected representative and the diligent councillors for the ward is reprehensible. We should have been aware of the possibility of this type of problem at the time of stock transfer. Taking publicly owned property and transferring it to a quasi-private body without democratic accountability was always likely to be a recipe for disaster. Stock transfer not only brought to an end the influence of elected councillors, but excluded registered social landlords from both the Rehabilitation of Offenders Act 1974 and the Freedom of Information Act 2000. I was not aware of that until recently.

Bob Spink (Castle Point) (Con): I congratulate the hon. Lady on raising an important subject. Does she accept that a decent registered social landlord that is non-profit-making and is run by a board that includes the right number of tenant representatives can deliver decent housing standards and proper maintenance, whereas tenants whose properties remain in council ownership are not necessarily guaranteed that level of decent housing and maintenance?

Mrs. Cryer: My tenants are getting the worst of both worlds, and that will come out later in my comments.

Bob Spink: The hon. Lady is being generous in giving way. I had the same problem as she did, but the other way round. My council refused to give me, as the elected representative of 1,536 tenants, their names and addresses so that I could contact them to represent their interests during the transfer. That was deplorable and the Audit Commission and the local government ombudsman had to become involved in the matter.

Mrs. Cryer: I seemed to have greater influence before stock transfer than now. In a perfect world there may be trusts that manage things better than the one in Bradford.

The same landlord—BCHT—refused to allow one of my constituents to bid for a property. She had served time in prison for a crime for which she had paid the price to society, and wanted to rebuild her life with her two children without again resorting to crime. BCHT believed that the punishment handed down by the courts was insufficient. It was hardly for the trust to comment in that way.

The same landlord attempted to explain the unacceptable condition of housing in my constituency on the basis of a 30-year business plan. My constituents, who are forced to live in such poor conditions, have been denied access to that plan even after an application under the Freedom of Information Act. As their elected representative, I must apparently wait until I am 98 to learn of the solutions. I shall probably be pushing up the daisies by then, or I may have lost interest.

What is worse, as many hon. Members may recall from their constituencies, stock transfer was secured on spurious grounds. First, tenants were promised investment in their homes. Any visit to the Woodhouse estate would demonstrate that that has not materialised. Secondly, any tenant who did not vote in the election to ratify the stock transfer was assumed to have voted for it, which was a deplorable insult to the concept of free and fair elections. Any hon. Member representing an inner-city or urban constituency will be only too aware of how difficult it can be for even the most hard-working and imaginative colleagues to encourage some of our constituents to engage in the electoral process. Such a vote devalues and undermines our process of government and administration and, moreover, makes a mockery of the ethos of being a social landlord.

[Mrs. Cryer]

From the outset, the signs were there. I argued against stock transfer, and I suppose I lost. That is clearly in the past, but just because stock transfer was built on shaky foundations does not mean that we must now passively allow this flawed, inappropriate and disengaged system to continue. I have asked legitimate questions, but have not been given the courtesy of an intelligent reply. I asked why, when operating and running costs have increased by 11 per cent. since stock transfer and income has increased by only 8 per cent., BCHT was using the funds raised through property sales to cover the annually increasing deficit, which is akin to corporate cannibalism. I was again told that it formed part of a 30-year plan, and my request to see the plan was denied. I also asked when the corporate cannibalism might cease and the proceeds from sales might be reinvested in areas such as Woodhouse, but was again referred to the 30-year plan, and my requests to see it were again denied.

How can I possibly be expected to explain the extremely poor conditions that many of my constituents have to contend with, day in, day out, by a 30-year plan? This economic model is, as yet, wholly untested in the social landlord stock transfer market, which is being used as a smokescreen to avoid accountability to democratically elected representatives such as me and local councillors, and does not deal with the practical issue of substandard housing. One director of the trust has suggested that the answer is simply to refinance the debts. At a time when the Governor of the Bank of England is asking us to tighten our belts and refrain from using our credit cards too much, I am being told—albeit privately—that BCHT should exercise its credit card. Perhaps the question at stake is one not only of accountability, but of the ability to count.

In response to my public and private questioning of BCHT, a consultation with tenants has commenced. Apparently, a meeting, or a so-called options appraisal, will take place tonight on the Woodhouse estate. I look forward to the outcome of that. However, the Housing Corporation has told me that the redevelopment of the Woodhouse estate was never in the infamous 30-year plan, that no application for funding in respect of that redevelopment has ever been made to the Housing Corporation and that, if it were made, it would be rejected on the ground that it did not provide value for money. That is what I was told several weeks ago in a meeting with a representative from the Housing Corporation.

Are we saying, therefore, that the economics of the marketplace should determine whether tenants have the right to decent housing? Treating tenants in such a way is undemocratic and immoral. To make matters worse, my attempts to address the issue were met by opposition from Bradford city hall and by calls for me to keep quiet. I was accused of getting it wrong, and of not understanding the situation or the economic model. I was told that my comments could damage Bradford. My constituency is one fifth of Bradford, and my Woodhouse constituents are a part of that. I think that it would be far more damaging to Bradford if I were to keep quiet.

I have seen for myself the houses on the Woodhouse estate, and I know what condition they are in. They are frequently well decorated and cared for by tenants, but the damp is showing through, which is soul destroying for the house-proud people who pay the rents. I challenge any of my critics to meet me at any time on the Woodhouse estate and tell me and my constituents that I and they are wrong and that the 30-year plan is working for them. I find it inexplicable that, after an audit on BCHT, the Housing Corporation found the estate to be satisfactory.

In Walsall, the post-stock transfer organisation faces similar problems. In that case, the Housing Corporation acted. I see no difference between the two scenarios apart from an unwillingness on the part of a regulatory body to carry out its function. If the auditors acting on behalf of the Housing Corporation had really seen the Woodhouse estate, serious questions must be asked regarding their competence. I doubt that they ever saw Woodhouse. Had they done so, they would not have come to their conclusion. I could question what the auditors saw or did not see, but, again, I would be faced with no reply and the stonewall of exemption from the Freedom of Information Act.

It is not in my interests to criticise BCHT without good reason. It is the largest provider of social housing in the Bradford district, and I and my constituents have every interest in having a strong, successful social landlord. However, the reality is that, at a time when demand for housing is increasing, and will continue to do so, stock is significantly decreasing, while costs increase. The fact that BCHT and the Housing Corporation are reluctant to come clean merely adds to the suspicion that something is wrong. If it is the case that the Woodhouse houses are not worth £45,000 of investment but should be replaced, how will BCHT pay for any redevelopment? Had I been told last September that funding is simply not available, I would have immediately referred the matter to the Minister. In the 21st century and after 11 years of our Government, I do not accept that we can idly stand by and allow people to live in the conditions that are found on that estate.

I have been invited to meet the Housing Corporation and BCHT. I am told that they want to address the problems of Woodhouse, but are not yet in a position to share the details of those plans. Even the last-minute attempts to address the matter are shrouded in secrecy. What am I asking? First, I want an open and robust commitment to deal with the problems of the Woodhouse estate in Keighley. I want to see detailed plans and schedules. I want my constituents to be involved in the drawing up of those plans.

Secondly, I want a reappraisal of the meaning of "social landlord". In the case of BCHT, stock transfer appears to have diminished its ethos. When the interests of the company come before the interests of its tenants, something has gone dramatically wrong. Thirdly, I want to see a reinforcement of the principle of public accountability. Fourthly, there is no point in having a regulatory body if it passively accepts unsatisfactory performance and fails to challenge and find solutions to substandard housing. A regulatory body must have the ability and courage to enforce.

Finally, I want my constituents to be treated with the respect that they deserve rather than being seen as an inconvenience. I want them to be given the right to live in a home that is not harmful to them. Addressing social injustices is what we, and what social landlords,

should be about. I do not wish to damage BCHT, but I do not believe that adopting the ostrich position in dealing with such difficult issues is beneficial to anyone.

9.46 am

Mr. Austin Mitchell (Great Grimsby) (Lab): I congratulate my hon. Friend the Member for Keighley (Mrs. Cryer) on securing this debate and on putting over her case. It is a crying scandal for a housing association to be so unhelpful to its tenants and to its Member of Parliament. The record of Bradford Community Housing Trust does not seem good to an outsider such as me. It is not right for a social landlord to behave in such a way towards its tenants. The Housing Corporation is currently merging with English Partnerships, which I hope will not be the prelude to a further period of confusion. I hope that such a merger will effectively bring pressure on housing associations to behave more sensibly and in a more accommodating way towards their tenants.

I, too, lost a ballot on a large-scale voluntary transfer against the registered social landlord in Grimsby. In such cases, the deluge of videos and misleading information that descends on tenants has the effect of rigging the ballot. However, that is a loser's plaint, and I lost. Council housing was taken over by Shoreline housing association, which has been a good landlord and concerned to improve conditions. It has steadily improved the estates by rebuilding and pulling down the worst properties. I am entirely happy with Shoreline. The only problem is that it has not been able to bring into housing all the money that it promised. As a result, houses on some of the estates are boarded up and stick out like sore thumbs. They are clearly a distress to neighbours. Such conditions cannot be improved until the housing association raises the money on the markets, which is proving difficult. It will be a difficult year for housing associations, and for anybody else, to raise money.

The record of housing associations is very patchy. Some are excellent, some are good and some are disastrous. The Government conventionally criticised the councils. There were the same variations in the performance of councils in respect of housing. Some were effective landlords and some were not. The record was better on the whole that that of the housing associations because the tenants had a form of accountability. If they did not like how the council was behaving towards them, they could throw out the councillors. They had that means of redress. There is not the same effective pressure on housing associations. It is misleading to suggest, as the hon. Member for Castle Point (Bob Spink) did, that housing associations are better at consulting.

The experience is that tenant consultation by housing associations is less effective than it was by the councils. The machinery of consultation is usually set up, but it tends to wither in at least some housing associations. Tenants on the board are bound by the Companies Act 2006 to support the financial interests of the company rather than the interests of the tenants whom they were appointed to represent, so it is not an effective form of representation.

The record is one of sluggishness, particularly in respect of new housing. This country needs a massive housing drive and the Government have undertaken to promote such a drive. That will be very difficult this year, given the state of the housing market. I have tabled an early-day motion—it does not yet have a number—suggesting that money should be made available to councils to take over repossessed properties and put them into council housing stock, instead of the building societies and creditors selling off the houses for peanuts, as is usually the case. That would be a useful means of expanding the social housing that this country needs. I hope that the Government will listen to that.

The point is that we need a housing drive and the RSLs—the housing associations—are generally sluggish in their approach to new development. They prefer to build up reserves and balances—to have the money in the bank—and turn themselves into benign housing operators rather than launching a big housing drive in their area. If the councils cannot do that and the housing associations do not do it, it will not be done, so means have to be developed for the Housing Corporation, under its new name, to push housing associations into redevelopment.

The same is true of arm's length management organisations. Some ALMOs—certainly in Camden, where it is difficult to find land for new building—are being forced to sell off council housing to raise the money to carry out the necessary repairs. I think that that is happening in Sheffield. It is also happening in Birmingham, although it is not an ALMO there. We are in effect reducing the amount of social housing to raise money to repair the remaining social housing, rather than expanding the whole social housing sector. That is a scandal. It is distressing that the so-called Housing and Regeneration Bill—it will not do much for either, as far as I can see—does not tackle that problem right at the start.

This debate is about standards in housing, and the financial pressure on councils is preventing them from improving standards in housing. That pressure and the aspirations of housing associations to build up balances and reserves and to merge with one another to form ever bigger housing associations, covering the whole country and therefore having roots and commitments in no particular area, will prevent the improvements in housing standards that my hon. Friend the Member for Keighley talks about and that we need throughout the country.

The pressures are considerable. Councils are being bullied, bamboozled and pushed into privatising their stock. The Government take from the housing revenue account £1.5 billion every year for redistribution and to pay off the historical debt. That money should go to housing. They take the revenues from right-to-buy sales—which should go to housing—away from the local authorities. Councils have been deprived of money. They are not being provided with any extra money in the generous way in which housing associations are provided with it, through gap funding and the write-off of debt. Councils are not allowed to compete on equal terms in order to push them into privatisation.

That pressure is increased by the Housing and Regeneration Bill, according to which tenants—I do not know how many; 10, 15, 20, 25 or perhaps only two or three—will be allowed to precipitate a large-scale voluntary transfer. One half of the Bill is devoted to pushing councils out of housing and the other half purports to bring them back into housing. That is a crazy combination; we cannot do both. If we are to improve housing standards, that dichotomy must be

[Mr. Austin Mitchell]

resolved; it is schizophrenic thinking to assume that we can do that. Even where councils are supposed to come back into housing, they are asked to do so on terms that make it impossible for most of them. In fact, the only terms on which they will be able to obtain regional grants is if they go for a large-scale voluntary transfer. It is a vicious circle.

All that means that after 18 Tory years of disinvestment in council housing and 10 Labour years of pressure to privatise, council housing is in a mess in many areas. The Hills report aspires to creating mixed communities, which is what we need and what there used to be. Professor Hills' research shows that up to 1979, council housing was in genuinely mixed communities, with better-off as well as worse-off people. Since then, the estates have become dumping grounds, because so much of the stock has been sold off. Some of the stock sold off has been repossessed and bought by landlords who just put in anybody, so the whole area goes steadily downhill and there is no longer any sense of community. In that situation, housing standards are declining. We want social housing and council housing to be in a genuine community in which people can grow up together, live together and aspire to move into ownership or to other areas. It has to be a base from which people can build, but it has not become that.

It is distressing to see the views of the new Minister for Housing in today's edition of *The Guardian*—exhibit A, which I cannot produce in court, but which I hold up in case anybody has long sight and can read it from a distance. I do not know what happens to new Ministers. It has not happened on the same scale to the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Hartlepool (Mr. Wright), but there is a kind of miasma in the basement of the Department for Communities and Local Government that seeps up and fills the minds of new Ministers, who begin to take up the kind of attitudes that one associates with the Smith institute. The attitude is basically that social housing and council housing are a kind of transit camp into which people will be moved on the basis of a means test and out of which they will be moved if they become better off. It is not that—it is housing for people; it is housing for communities. Until we get back to that basic aspiration, we shall have an unsatisfactory situation in which there are low standards in housing.

According to the article, the new Minister for Housing refers to

"the culture of 'no one works around here'".

That is often the case because unemployment is higher on council estates. It is higher still on housing association estates. It is distressing that the article states that, referring to the "no one works here" syndrome,

"she said there was some evidence that living in social housing acted as a deterrent to people seeking work due to the sheer and growing concentrations of unemployment and poverty on such estates. 'If you are in a family, an estate or a neighbourhood where nobody works that impacts on your own aspiration.'"

In other words, the estates, it is now argued, are the breeding grounds of a shiftless unemployed population that does not want work. That is the implication. Council tenants and social housing tenants are being abused in that fashion because they are in that situation as a consequence of the Government policy of selling off council housing and social housing under the right to buy, using the estates as dumping grounds for the needy and allowing landlords to buy the properties that have been sold off and allowed to deteriorate.

Questions arise from the Minister's statement. Does the view that if people want a council house they should find a job apply to council estates? That is not clear from the article. Does it apply only to council estates, or does it apply to registered social landlords and housing associations? Does it affect secure tenancies, which people on council estates have, and assured tenancies, which people in housing association estates have? The new commitment—*[Interruption.]* I apologise for that, Mr. Amess. I have an enormous fan club who clamour for me at the most inopportune times. I shall switch my phone off—perhaps the Minister for Housing is trying to call me to give me the proper interpretation of her remarks.

My point is that the threats are vague and unspecific. They will be received very badly on council and social housing estates all over the country. What are we about? We are the Labour party! We have been built up by support from people on council estates, and we treat them in such a fashion when they are at the end of a long period of financial deprivation, which has reduced them to their state. They are now being abused and told that they must go out and find a job. That is no way for a Labour Government to behave, or even to think.

Do the Minister's remarks apply to housing estates only or to RSLs as well? Does the policy apply to new tenancies, or, as the Minister seemed to indicate, will it be extended to existing tenants? She certainly left the latter possibility open in her speech. Will the policy apply to new contracts for people in social housing, which would force them to look for work in addition to the other pressures that they face? People need to be encouraged and helped to look for work, but to be forced to do so as a condition of tenancy is another matter entirely.

What happens when people buy properties on estates, particularly from RSLs? The Government encourage people to buy a share in their own house, which is an unpredictable burden for tenants, because they cannot be sure what repairs will cost, and how much of that will fall on them and how much on housing associations. It will be a difficult burden to shoulder, particularly for people on those estates where 67 per cent. of the population are on benefits of some kind. It is difficult to see that such people will rush to buy shares in their own property, but if they do so, are they going to be treated in the fashion that I described along with everybody else?

All those questions need to be answered but, most of all, the Government need to raise their aspirations for new house building by councils, as well as by housing associations. Councils have the best overview of the housing needs in their area and they want to serve those needs. It is therefore unreasonable to push them out of housing when we are trying to encourage the building of more social housing. Will the necessary funding be provided to generate the improvement in the conditions of the estates and the tenants?

We are committed to reaching the decent homes standard by 2010. Frankly, I doubt that we will reach it, but if we are going to do so, funding such as the gap funding that is made available to housing associations

must surely be made available to councils, to help them to undertake the repairs and regeneration that are necessary in their areas. Our commitment must be to improve conditions for existing tenants as well as to build the new housing that is necessary because people cannot get on the ladder. Why can we not undertake both commitments?

10.3 am

Jeremy Corbyn (Islington, North) (Lab): I congratulate my hon. Friend the Member for Keighley (Mrs. Cryer) on securing this debate. I thank her for the harrowing story that she told today about the behaviour of one registered social landlord in Bradford. When I finish my remarks, I hope that the Under-Secretary will give us some hope about the future regulation, administration and democracy of registered social landlords. I shall return to that matter.

If they wished to do so, hon. Members could pick up from the Library an interesting document titled "Social Indicators", which comes out every month or so. The section on housing is very interesting, because it shows that people buying their own homes are paying an ever higher proportion of their salaries on housing costs, so the need for socially provided housing through either an RSL or a local authority is increasing, especially if my own community is anything to go by. Roughly 80 per cent. of my population have no possibility whatever of buying their own place in the community, and therefore rely either on council housing or housing associations to provide one.

When we look at the completion of permanent dwellings by sector in the UK, we will see that in 1997 there were 160,000 private sector completions, 28,000 registered social landlord completions and 1,500 local authority completions. By 2005-06, there were 188,000 private sector completions, registered social landlord completions had gone down to 24,000 and local authority completions, at 326, had almost disappeared. That means that out of the 213,000 new properties that were completed in that year, fewer than 12 per cent. were for people who apply for social housing of some sort. In my constituency, which is pretty normal for inner-urban Britain and certainly for inner London, about 45 to 50 per cent. of the population live in properties owned by either the local authority or a registered social landlord. If we applied that figure to the rest of the country, we would begin to see that, by our failure to build, we are creating a bigger problem for ourselves.

On the following page of "Social Indicators", the story begins to unfold. In 1997, 44,000 households were living in temporary accommodation arranged through local authorities. That figure increased to 101,000 in 2004. I am pleased that it has now come down slightly, yet there are still 87,000 households living in temporary accommodation.

Members of Parliament earn a good salary and usually have somewhere very nice to live, if not two or three nice places to live, according to the "Today" programme. They do not have a sense of insecurity. Imagine what it is like for people who are trying to bring up a couple of children when they are homeless. They will be placed by a local authority either in a bed and breakfast hotel, a hostel or temporary rented accommodation from a private landlord. They do not know how long they will be there. Their landlord is totally unresponsive to the need for repairs and so on. There is nowhere for their children to play. They have nowhere to get their own furniture, and there is no way for them to make their accommodation their home. After six months, they could be moved on, and their children might have to move school. That could happen again and again. Those people are desperately waiting for the dream of being offered a permanent tenancy in a decent flat where they know that they can put down roots and become part of the local community to come true.

Imagine the effect of that situation on children who grow up with such a sense of insecurity. When they go to school, they are too embarrassed to say to their mates, "Come home and have tea with me tonight." They are embarrassed because they live in a hostel or in a temporary place, or because they would have to travel a long way. I constantly meet young parents whose children go to primary schools in my constituency but who are homeless, so the local authority has placed them in rented accommodation, sometimes as far away as Enfield. That might not sound so far to us, but we should imagine making a 90-minute journey each way to school by bus to maintain a link with a community—we should think about children spending three hours a day on a bus.

None of that is necessary. It has become the norm, because as a society and as a country we are not addressing the seriousness of the housing needs of an awful lot of people who are desperate to have somewhere permanent, safe and secure to live. I hope that we will begin to develop some sense of national endeavour, as this country managed to do after the second world war. The endeavour to solve the housing problem went on for nearly 20 years. None of the problems are necessary, and the damage that they are doing to people's lives is very serious.

I welcome what the Government did in 1997 on decent home standards and in investing large amounts of money in improving estates. When I go around my constituency, I see new windows, new roofs and better common parts. All those things are very welcome. It is good news, and it has certainly improved the lives of many people. I hope that the Minister will take the decent homes standards a little further. First, much better energy efficiency standards are important for all new properties—not only local authority or RSL properties, but those in the private sector. Energy prices are likely to rise, so a lack of energy efficiency will mean higher costs for tenants.

Secondly, within the planning guidelines, will the Minister ensure that much better standards of open space, particularly play space, are made available in urban areas? We are building to high levels of density. I can understand the pressure for high-density living, but it is important to make provision for some open space, including children's play areas. We also need something to be done about minimum room sizes and ceiling heights; again, that affects people's quality of life.

Lastly—I say this with feeling—a large proportion of properties in my constituency are Victorian, and of themselves they are nice buildings and certainly attractive, but most of them have been converted into smaller apartments, and relatively few remain as family houses. The standards of conversion vary, but the standards of soundproofing are appalling. Many people come to my advice bureau, and to those of councillors and others, who are driven to distraction by noise from neighbours'

[Jeremy Corbyn]

flats. It is not necessarily that the neighbours are particularly noisy, but with such a low level of soundproofing on conversion, life can be intolerable. For instance, if a middle flat has three or four children running around all day, older people living in the ground floor flat would find their sympathy for the younger generation disappearing. All kinds of social tension result. Standards, open space and quality of housing are important matters.

Many of my constituents are in desperate housing need. As I have explained, some are in less desperate need, in the sense that they are not eligible for local authority assistance, but they cannot buy because they do not earn enough, so they rent on the private market. Rents in London and in most big cities are very high. People living in my constituency, usually young people, are paying £250 to £400 a week for a flat. That makes a big hole in their salary, and they have no permanent security of tenure. Normally, they are on six-month to one-year lease agreements, and the rents can go up again at the end of that time.

That has a number of effects. First, as a society we end up with a poorer sense of community, because people do not feel a sense of belonging or of security. Secondly, many people are making vast sums out of the buy-to-let market. Indeed, it is one of the biggest growth areas. Is it sensible to encourage that sort of investment without any rent regulation and with such vast profits being made? I ask the Minister to think seriously about what degree of regulation should be introduced into the private rented market.

In 1974, the Labour Government, led by Harold Wilson, was prepared to control rents. It was a popular measure, and it was effective. It also brought about much greater security of tenure in the private market. The Conservative Government, under Margaret Thatcher, did away with most of those protections and controls, and we are still paying the price.

I ask the Minister to look at the totality of expenditure. He is doubtless considering investment in housing—that is his job and what his budget is for—but I ask him to encourage the Government to look at the problem more holistically. I go back to the point that I started with: people are placed in privately rented, leased flats by local authorities because they are homeless. Some of those places are in appalling condition, and the rents are usually higher than on the open market. Many cost more than £400 a week—I do not joke, it is that high—but it is all paid through housing benefit.

I do not object to people receiving housing benefit—quite the reverse; I support it—but it means that the community is paying out sums that would cover a pretty large mortgage, and that money is being spent on flats of an appalling standard, with insecurity of tenure, which are bad places to bring up children, and all the rest of it. And who is making money out of this but fly-by-night slum landlords, who are being subsidised by the public sector? It is immoral and wrong. The solution is to be tough on standards. The long-term solution is building far more places for rent for those in desperate housing need.

The last point that I want to make is about democracy in housing. In my area, as in others, an ever larger number of people are living in properties owned by registered social landlords, and most development is undertaken by them—very little is done by the local authority. Islington local authority is at last developing a hundred-and-something new council houses. It is the first time for many years that we have seen new development.

I welcome such developments, but unfortunately they are often paid for by the sale of a large number existing council properties—either businesses premises, or places that the council could not afford to do up, with street properties sold at auction on the open market. Those properties were not sold to people in desperate housing need; most were sold to property companies. I ask myself, who is helping whom? If we sell some properties in order to improve the remaining properties for development, we will end up with fewer places to rent, not more—the point made by my hon. Friend the Member for Great Grimsby (Mr. Mitchell).

When the Minister next considers the details of the legislation before the House, I hope that he will look seriously at the question of the democracy and administration of housing associations. I have a large number of housing associations in my constituency. I meet them all from time to time. I have a great deal of correspondence with them. Some of them are extremely responsive and helpful, and I have no particular complaints about them—they respond to my requests and those of my constituents, and that is fair enough—but some are much less responsive, some do not respond at all, and some are so large that they hardly know where their properties are to be found.

We come down to the question of accountability and democracy. Is it really such a good idea continually to encourage housing associations to merge and grow endlessly? Circle Anglia has become an enormous housing association, with properties from London to Lincolnshire. It has executive offices and super-executive offices and super-duper-executive offices, with lots of executives running all over the place—and somewhere, somebody sometimes ends up doing some of the repairs. The management structure covers a diffuse selection of properties—probably expensive ones.

We need much greater rationalisation. We need the zoning of housing associations, so that they are restricted to one city, county or area. I hope that when the Mayor of London takes over the London Housing Board in April, and it becomes the main motor for investment in London properties, he will be given the power to encourage, if not force, housing associations to restrict themselves to one part of the country.

We should also introduce a sense of democracy in housing associations. There was a time when they were small and local, and often democratic. Many operated on semi-co-operative principles. Indeed, in my constituency we still have a number of housing co-operatives. I do not see why we cannot return to that state. RSL tenants hardly know who their landlord is; their landlords are remote, and non-responsive. We need a return of a sense of democracy.

This debate is about housing standards. For some people, the standard is high, but for far too many, standards are poor, and it makes life very difficult. We need a sense of priority. Too many families break up; too many young people fail; too many youngsters end up in the criminal justice system; too many people have utterly miserable lives. Simply put, that is because

we as a community are not prepared to invest sufficiently or sensibly enough to conquer the housing problems that so many in our society now face.

10.19 am

Lembit Öpik (Montgomeryshire) (LD): First, may I say what a delight it is to work again with these two hon. Gentlemen, the Minister and the hon. Member for Welwyn Hatfield (Grant Shapps), as we did on the Housing and Regeneration Bill for more than a month recently? Indeed, I think that it would be true to say, without fear of exaggeration, that we are the most effective political trio since the first triumvirate in Rome 2,000 years ago. Of course, in this analogy, the hon. Member for Ceilidh—

Mrs. Cryer: Keighley.

Lembit Öpik: Sorry; I was thinking of the dance, rather than the constituency.

Jeremy Corbyn: You must have flown over it.

Lembit Öpik: On a number of occasions. As I was saying, the hon. Member for Keighley (Mrs. Cryer) would be the character of Cleopatra, who has come here to romance Mark Antony, the Minister, for housing favours, and I hope she gets what she is looking for. May I also congratulate her on having secured this debate? It is an important debate, and she has highlighted, with her local example, an issue that affects many people across the country.

I think we would all agree that politicians have a moral obligation to ensure that, in this first-world country, we have first-world housing for its citizens. I think that we would also probably all agree about the outcomes that we would like to see in terms of the quality of housing, so I will not dwell on that issue. However, I would suggest that, to achieve those outcomes, there are three criteria that we need to fulfil, and the Minister and the Government will hear me develop these three themes in the months ahead. The three criteria to achieve a high standard of housing are a sustainable environmental approach towards housing, a sustainable economic approach to the housing market and a sustainable social approach to communities.

All three of those criteria are intimately connected with the standard of housing that we create. In an environmental context, it seems obvious to me that all new housing should be zero carbon. However, given that in 2050 most people will be living in housing that has already been built now, we must find a way to raise the standard of environmental performance of existing housing stock. Having said that, as we are primarily talking about the social elements of housing today, it would be inappropriate for me to pursue that idea in great detail.

The second criterion, a sustainable economic approach to the housing market, is very relevant; we have already heard from other speakers about how important it is to ensure that the housing market is affordable, both in terms of the cost of buying housing and the cost of renting, which is perhaps even more salient today. We have heard a horror story from the hon. Member for Islington, North (Jeremy Corbyn), describing a situation where there is a very low standard of housing at a very high price, which is the worst of both worlds. All of us need to think about how we can effectively ensure that housing is affordable for those at the lower end of the income scale.

Thirdly, it is also obvious to me that the quality of a community is closely connected to the quality of housing and how that housing is structured. We have already heard from the hon. Member for Keighley and particularly from the hon. Member for Great Grimsby (Mr. Mitchell) about how vital it is that we do not ghettoise people on low incomes.

The Minister for Housing is claimed to have said, "If you want a council house, find a job"—that is the headline in *The Guardian* today. I do not think that that is what she ought to be saying, in terms of the messages that she is sending out to those who are depending on and looking for social housing. Having said that, I would like to issue a health warning: I know from my own experience that it is very easy for the media to misrepresent what politicians and Ministers say. She is also probably the only person in Parliament who has held her housing portfolio for a shorter time than I have, so it is possible that she was not necessarily thinking about the nuances that could be represented, or even misrepresented, by the media. So I am willing to give her the benefit of the doubt here, and I would like to hear from her directly, at first hand, what she really thinks, rather than depend on what is often now, sadly, an unbelievably unreliable written press to be judge and jury of what she has said.

Nevertheless, I think that we would all agree that, if people are excluded from the social housing sector, the only option for them is to go into the private rented sector, where rents are almost always higher. Housing benefit does not always cover that additional amount, which puts a further pressure on households that already have a relatively low income. That pressure can lead to default and eviction, and those households will therefore contribute to the homelessness figures, so it is very important to recognise the vicious spiral that can occur if we depend on the private rented sector to make up the difference between what households require and what is available in the regulated social housing sector.

As the Minister here today knows, I am disappointed that the Housing and Regeneration Bill, which we will return to on Report, will not regulate the private rented sector in the same way that it will regulate the registered social housing sector. The Minister might want to say something about that today. What is obvious is that, if the private rented sector is going to end up as the collecting point for all those vulnerable households that do not have jobs and so forth, the landlords in that sector will be disinclined to play ball. They will say, "Well, we don't want to have these vulnerable tenants, because they could default," so the vicious spiral gets ever worse.

If the Minister wants to comment on what his colleague, the Minister for Housing, said about council houses, I will understand. Otherwise, I hope that the Minister for Housing will clarify to the House where she stands on this issue. I am perfectly willing to accept that the fault was presentational rather than intentional.

I would like to turn now to what the other speakers in the debate have said. The hon. Member for Keighley highlighted something that I have seen myself, namely that the quality of a community housing trust is very

[Lembit Öpik]

often dependent on the individuals running that trust. I do not know the particular circumstances that she mentioned, but I have seen good trusts perform effectively simply because the individuals within the management structure do a good job. As a result, the standard of housing remains high, repairs are done quickly, and the tenants have a very high regard for those bodies. At the same time, once in a while I have seen managers who are not so effective. As a result, the corporate culture of the association declines and that directly impacts on the standard of housing for the tenants.

I wonder whether the Minister has any views about how we can ensure that the variability of the quality of management is in some ways dampened, in terms of its consequences for the tenants. It could be that the Minister feels that the Housing and Regeneration Bill will be the right mechanism to achieve that. I suspect that we cannot completely eliminate that variability, but if he has a view on that issue I would be very pleased to hear it.

The hon. Member for Great Grimsby made some very important observations. I have given my view on what the Minister for Housing said. I would simply add, as the hon. Gentleman pointed out, that we have a responsibility as legislators and politicians to ensure that individuals and households who need the support of the Government to obtain adequate accommodation, both for the adults and for the children who are being raised, receive that support.

Those words are easy to say, but it is much harder to take action. Does the Minister really think that we will achieve the goals set by the Government by 2010? That is only 22 months away, or if we give him the whole of 2010, 34 months away, which is still not very long. The Government's ambitious target will be expensive to achieve. If he reassures us that he believes that that target is still attainable, I would ask him to outline briefly the Government's strategy to make that colossal investment in less than three years. I want to see the target met, but I think that perhaps not enough has happened so far, since it was set, to ensure that it is achieved.

The hon. Member for Islington, North highlighted one of the most serious and worrying statistics in this debate: the 87,000 households in temporary accommodation. That is not really a quality of life that we should tolerate in a country with the wealth that the United Kingdom has. What can we do to ensure that that figure is halved? It was half that figure previously, when I would have said that there was less wealth in the UK than there is now.

Looking ahead, what are the next steps? As I said, we should return to the issue of economically sustainable housing. We should retrospectively consider implementing certain standards to the housing stock if we are to make the United Kingdom a zero-carbon economy in the not-too-distant future. We must also recognise that the only real way to have sustainable housing and a sustainable housing market is to increase the availability of housing stock.

There are some creative solutions around, not all of which we need to discuss today. However, the Minister may not be aware that there are about 1 million potential properties over shops and other retail outlets, which, for administrative reasons, it is hard to convert into housing. Would he like to hear more about that from me and from institutions that have been looking at the issue? Those 1 million properties would make a big difference to easing the back pressure on purchased and rented accommodation, as long as their standard could be secured.

On sustainable communities, we can also do a great deal to ensure that we design good community life into good housing. We all have noble intentions on this issue, and although the cost of doing something is high, the cost of doing nothing is even higher. Somebody made the insightful point to me that there is only one letter's difference between homelessness and hopelessness, and that is very true. People who drop out of society often feel that it has not offered them much, and those who end up living rough or living on the good will of their friends will eventually begin to display a degree of social disconnection.

If the Minister says that we can solve all these problems by the end of 2010, I shall be delighted to hear it. If he does intend to pursue these issues, how will he do so and what can we do collectively—on a cross-party basis—to ensure that housing is treated not as a political football but as a social responsibility that we must all take on in a sombre and serious way?

10.32 am

Grant Shapps (Welwyn Hatfield) (Con): I congratulate the hon. Member for Keighley (Mrs. Cryer) on securing a debate on this important subject, which will concern hon. Members of all parties. As Members of Parliament representing our constituents, we should have good access to those who run the social and affordable housing in our areas. If we are to act on behalf of constituents, we need lobbying and information, and such things should not be withheld from us.

The hon. Lady eloquently highlighted the situation in her area, where the local ALMO—I assume it was the ALMO—failed to provide adequate information and responses. It is deeply regrettable and sad that that body feels that it is outside the right and proper democratic process and that it is beyond the requirement to respond. It is difficult to envisage that in the case of a local council, which will feel more politically responsible.

I hope that the Minister can provide some reassurance and that he might even be able to act on the issue by sending a letter to all the organisations involved in providing housing, including ALMOs and RSLs. I hope that he will remind them that they are still part of the process of providing social housing, which means that they are responsible to Parliament and to their Members of Parliament in a way that cannot be ignored. That is quite proper, and it is only right for the hon. Lady to expect an adequate response when she has had cause to write to the ALMO in question.

My assertion is not that ALMOs are bad; indeed, there are excellent ALMOs out there, just as there are excellent RSLs and good councils managing stock. Whoever is in charge of social and affordable housing in the public sector, however, has a responsibility to answer hon. Members. As I say, I hope that the Minister can say something about that and provide some reassurance.

In my borough, we have about 11,000 council houses, and the residents have thus far resisted the opportunity to move to an ALMO, because they feel that the local

council does a good job of managing the estate properties. That goes to show that good social housing can take many different forms, and that someone who attempts to be prescriptive by saying that all housing should be supplied in one particular way will almost certainly have arrived at the wrong interpretation of the problem and the wrong solution.

The hon. Lady has done a great service in raising this issue, because it raises fundamental questions about the quality of our housing stock. The Minister and I have spent the past month in Committee together, and I have mentioned several times in passing that the decent homes standard—laudable though its objectives are—has not achieved the desired results and will, by the Government's own admission, miss their targets. I would be interested to hear what he has to say about that.

The Minister may or may not know that I recently asked him a parliamentary question about the issue. I was told that there were 8.7 million non-decent homes in 1997, although the hon. Lady will be interested to hear that that figure had declined to 6 million by 2005. Over those five years, therefore, there was a 14.5 per cent. reduction in the number of non-decent homes. Clearly, therefore, as the hon. Member for Montgomeryshire (Lembit Öpik) said, the Government's programme is very unlikely to be concluded by the 2010 deadline, given that we would need a dramatic 27 per cent. drop in the number of homes outside the decent homes standard in just a couple of years. Indeed, the Government have already admitted that they will miss their targets.

I suspect that the reasons for that are manifold. The targets in many of our constituencies may have been found to be too specific and too centrally driven, with the Government seeking to create houses that may or may not provide a good standard of living for the people in them. In my area, the council has been encouraged to improve aspects of housing that, on any objective measure, do not require improvement. If the local housing provider had had a bit more flexibility to decide what was included in other areas, that might have resulted in a more sensible approach to this agenda.

Although I recognise that the number of houses of non-decent standard has fallen, the real tragedy of the past 10 years, which was alluded to by the hon. Members for Great Grimsby (Mr. Mitchell), who is just leaving, and for Islington, North (Jeremy Corbyn), is that the number of houses available in the social area—I was going to call it the market—has been lower in every one of the past 10 years than it was in 18 years under Margaret Thatcher and John Major. Those on the socially conscious left of the Labour party must be wondering how on earth that could have happened.

Jeremy Corbyn: Those of us who were in the House during the years of the Thatcher premiership and who represented areas such as mine were in despair about housing. The right to buy was destroying our estates, and we are now paying the price for that, because many houses have left the public sector. The refusal to allow local authorities to invest sufficiently in repairs also meant that there was a massive £1 billion backlog of repairs by 1997, which the current Government had to pick up. I do regret the lack of social housing being built, but I have no good memories whatever of the Tory years.

Grant Shapps: It is a really interesting point. The hon. Gentleman will recognise the bare facts, which are that, by hook or by crook, this Government have produced less—

Chris Ruane: Crook.

Grant Shapps: Yes, it may be crook. However, the Government have produced not only less social housing every year, but less housing overall. The average during our time in office was 176,000 houses a year, but the average over the past 10 years has been 145,000. Both the social housing stock and the overall housing provision have declined.

The hon. Member for Islington, North and I could argue about the rights and wrongs of right to buy, but it was before my time in the House, and for his information I am prepared to accept that there are better ways of doing it—for example, by allowing the money to be invested in new council housing. I would like councils to build new houses. On this matter, the left and right might have formed an—I was going to say unholy alliance, but perhaps it is a holy alliance. I do not see why councils could not start building houses again—either through right to buy, or by keeping receipts or allowing councils and RSLs to build houses that benefit the population.

Lembit Öpik: I shall resist entering into a theological debate about the benefits of buying and the moral obligation to buy that some people feel. However, the hon. Gentleman will recognise that other countries, such as Germany, resolve the problem by making it perfectly normal for wealthy households to rent accommodation. That is one way in which we could overcome the ghettoisation of those in rented accommodation and diminish the price pressures that we are seeing in this country.

Grant Shapps: The hon. Gentleman is correct and his desires might be coming true, because home ownership is falling for the first time since the 1980s, although inadvertently, I suspect, as far as the Government are concerned.

I shall turn to the announcement by the Minister for Housing this morning. I agree with the hon. Members for Great Grimsby, for Islington, North and for Montgomeryshire that it was misplaced, that it misfired and that it does nothing to help to understand the fundamentals at the heart of social housing. In fact, I think that it is a mistaken policy announcement along the same lines as dragging youths to cash points or saying that we should have British jobs for British workers. It was a meaningless announcement. Let us think it through: not only are there the implications described by the hon. Member for Montgomeryshire—if we kick a family out of social housing they will have to enter rented accommodation, which in many cases might be impossible—but, worse still, where children are involved, the council has a statutory duty to house those kicked out and, therefore, will end up picking up the tab for kicking them out. It is pure headline-grabbing nonsense.

A growing number of people in social housing are unemployed. The response to that should be a much more systematic appraisal of the problem, and solutions more in line with the welfare to work proposals that we described the other week. The solution is certainly not for the Government to claim that they have a silver

[Grant Shapps]

bullet involving kicking people out of their homes, because obviously the Government will simply have to rehouse those with families. Could the Minister not have advised his new boss quietly and on the side before she made such an ill-thought-out announcement? Could he not have suggested that she think about reality and how the announcement might work in practice before making a proposal that will not stand the test of time—by which I mean about 15 minutes after being written up in the newspapers? It is quite clear from a couple of hours' thought that it cannot resolve the many deep and serious housing problems in this country. I am rather saddened that her first major speech as Minister for Housing has fired off in the most ludicrous headline-grabbing manner. I would have expected more from her.

In conclusion, I congratulate the hon. Member for Keighley on securing this debate. Her concerns are real and genuine, and I would be surprised if there were any hon. Members who do not share them. I call on the Minister to act, perhaps by writing to all RSLs and other providers of social housing, be they ALMOs or councils, to remind them of their responsibility to respond to those democratically elected to represent constituents and their housing needs.

10.44 am

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Iain Wright): It is a pleasure to see you in the Chair, Mr. Amess, and to serve under your chairmanship. This has been a good debate on a matter of enormous importance, not only to Bradford, Grimsby and Islington, but across the country. The idea of housing standards and of ensuring that everybody has a choice of housing of an excellent standard is fundamental. Every Government should deal with that.

I pay tribute to my hon. Friend the Member for Keighley (Mrs. Cryer), who in her usual manner highlighted her concerns about housing standards in her constituency with the utmost eloquence, wit and style—if only every hon. Member were as committed as she is. I also pay tribute to my hon. Friends the Members for Great Grimsby (Mr. Mitchell) and for Islington, North (Jeremy Corbyn), who also do a fantastic job. Sometimes I disagree with them on housing, but their commitment to it and to raising housing standards is important.

I also welcome back to the reunion—not as good as Led Zeppelin's I would suggest, but it is not far off—the hon. Members for Welwyn Hatfield (Grant Shapps) and for Montgomeryshire (Lembit Öpik). As has been said, we have spent the last month on the Housing and Regeneration Bill Committee, which I thought was very good. It was challenging and scrutinised the Bill to ensure that housing policy is fit for the 21st century.

Lembit Öpik: Although Led Zeppelin's might have been a more formidable reunion, is it not us, in housing terms, who are seeking collectively to build a stairway to heaven?

Mr. Wright: That is absolutely dreadful. I apologise to the Chamber for allowing such an intervention. That was absolutely disgraceful. I demand a full apology from the hon. Gentleman.

Lembit Öpik: On a point of order, Mr. Amess. I wish to apologise to the House and to Robert Plant for my dreadful pun.

Mr. Wright: This has been a good-natured debate, but there are some serious points to make.

I wish to cover three broad themes that came out in the debate. The first is about decent homes—where we have come from, what we have achieved in the past decade and where we are going in order to hit the 2010 target. The second theme that I shall address at some length deals with serious points about engagement with tenants and the concerns expressed by my hon. Friend the Member for Keighley about standards as well as broader governance issues in Bradford. She made an important point about a particular estate, to which I shall respond later. The third theme is about the future. We spent the past month on the Housing and Regeneration Bill and, in particular, the last couple of sittings, talking about Oftenant and the establishment of a new social housing regulator, the fundamental objective of which is to raise standards for all social housing tenants and to ensure that they have decent homes. I shall talk more about those objectives, as I did in Committee on clause 86.

Grant Shapps: I am most grateful to the Minister, who was always generous with his acceptance of interventions in Committee. For hon. Members who were not in the Committee, will he explain why it is that, although he says that all tenants will benefit from Oftenant, those in council housing will not?

Mr. Wright: If the hon. Gentleman looks at *Hansard* tomorrow morning he will notice that I did not say that—I hope. I said that tenants of all social housing—

Grant Shapps: Dancing on a pin.

Mr. Wright: I am not dancing on a pin. Our intention is clear. We want tenants of local authority homes brought under Oftenant, but there are practical difficulties, rather than ideological concerns. Those are being looked at now and we anticipate that it will take about two years before they are resolved. We need to consider how to align the regulator's work with the comprehensive area assessments. We also need to consider funding. All those difficulties need to be encountered before we move to a single domain regulator. However, we definitely aim to achieve that policy objective within two years.

On the subject of decent homes, we have a massive social asset in social housing. There are about 4 million social homes, they are valued together at about £400 billion, and they are an important national, collective asset. Everybody recognises that in the years before 1997, there was disgraceful neglect and chronic under-investment. Indeed, my hon. Friend the Member for Islington, North was in the House when it happened, and he has been most eloquent on the subject. I should happily take an intervention from the hon. Member for Welwyn Hatfield, who speaks for the Conservatives, if he would like to apologise for the chronic under-investment that took place under the Thatcher and Major Administrations.

Grant Shapps: I am most grateful to the Minister, because my intervention may give him an opportunity to explain, as he did to the Public Bill Committee, how right to buy gave him and his family the opportunity to

move through the different types of housing that were available. I think that the Committee *Hansard* shows that he thanked Margaret Thatcher for the opportunity that right to buy gave his family.

Mr. Wright: The hon. Gentleman taunts me. I do not want to rehash the arguments from the Housing and Regeneration Bill, but he knows that I said that one reason why I am in the Labour party is because Mrs. Thatcher absolutely decimated Hartlepool and the north-east. It was a disgraceful chapter in my town's history, which I do not want to go anywhere near again, so I certainly did not thank Mrs. Thatcher.

There was chronic under-investment before 1997, and that has been a task for this Government. Indeed, I do not think that the Government receive the recognition that they should for their investment to achieve decent homes. Prior to 1997, we estimated that £19 billion of repairs and maintenance was needed to bring homes up to a decent standard, so we set a target that by 2010, all social homes would meet minimum standards of decency, and that 70 per cent. of vulnerable households in the private sector would have decent homes. It must be said—I have seen it in my own patch and elsewhere—that the target, with its specific deadline, has galvanised massive improvement in the social housing stock, and it has been done in innovative and transformational ways.

Let me recount to the Chamber a little tale. I used to work in Newcastle, a city with which the hon. Member for Montgomeryshire has a long association. I worked in the centre but travelled out to Walkergate, which is a good, traditional north-east community. When I was there in the mid-1990s, it had—how shall I put it?—not been invested in for quite some time. We have discussed registered social landlords, large-scale voluntary transfers and arm's length management organisations such as Your Homes Newcastle, and I travelled up there last summer to have a look around and see what has been done on investment. I must say that, on the improvements to tenants' homes, Your Homes Newcastle has been absolutely fantastic, revolutionising the way in which tenants live, with decent homes, new kitchens, energy efficiency and central heating systems. We should shout from the rooftops—the decent rooftops that we have put in place—what we have done.

Lembit Öpik: Obviously, the Liberal Democrat administration up there is partly responsible for that. However, does the Minister agree that there is nothing in Newcastle that cannot be repeated in other places, as long as they have the will, the intent and the strategic planning to make it happen?

Mr. Wright: Funding is important, too, and the Government have unlocked a load of funding to ensure that we have decent homes. Since 1997, we have also increased the funding available to councils to help to deal with the issue. My hon. Friend the Member for Great Grimsby sometimes says that, on council investment, we have turned off the taps, but I say to him gently that that is simply not true. This year, council spending per home is about £1,100, compared with about £800 in 1997, so there has been a 30 per cent. increase in real terms. On top of that, we have also made £3.7 billion available for ALMOs, such as Your Homes Newcastle, to deliver improvements to council housing stock, and we will have made available £2.7 billion in private finance initiative credits for PFI schemes by March this year.

Mrs. Cryer: I would like a definite response to my questions. The trust has told us that £45,000 needs to be spent on each house on that estate, but it says that it will not do so because it is not worth spending, so it needs to build new houses to replace them. At the same time, however, the Housing Corporation says that it is not worth spending money on the estate to build new houses. What will happen to the tenants in the meantime and for the foreseeable future? Will they continue to live in that substandard housing? What will be done for them?

Mr. Wright: My hon. Friend passionately argues her case for her constituents, but if she will forgive me, I shall mention just a couple more statistics and then come on to that precise point.

More than £20 billion of public money has been put into improving social housing standards since 1997, and as a result of levering in private sector money, a total of £40 billion will have been invested by the end of 2010. On our achievements, since 2001, we have put in 518,000 new kitchens, 440,000 new bathrooms and 910,000 new central heating systems, which, with reference to the comments of my hon. Friend the Member for Islington, North, helps precisely with energy efficiency. That issue is important. I woke up to hear my hon. Friend the Minister for Energy on the "Today" programme this morning talking about energy prices. At a time of increasing energy prices, it is vital that we address the issue by ensuring that people stay warm and that there is environmental friendliness.

Jeremy Corbyn: I understand that point, and I welcome the Government's suggestion for better energy efficiency. Will the Minister go further, however, and specifically encourage—indeed, require—new developments to include self-generation through photovoltaic cells or heating cells, so that there is lower use of grid electricity in such homes?

Mr. Wright: My hon. Friend makes an important point. He knows about the target—the most ambitious target anywhere in the developed world—for all homes built from 2016 onwards to be zero-carbon homes, and we have a clear road map on how we reach it. There are provisions in the Housing and Regeneration Bill to ensure that the code for sustainable homes is made mandatory through an assessment, which, like the decent homes standard, will help to galvanise improvements in efficiency.

I shall now pick up on the important points that my hon. Friend the Member for Keighley raised. She mentioned her concerns about the ballot, which I understand, but I shall make two points about it. Tenants voted 62.2 per cent. in favour of stock transfer, from a turnout of 65.5 per cent., which was higher than some local council elections, and higher than the turnout in the 2005 general election. I looked into her concern that if tenants did not vote, that was classed as a yes vote, and I have minutes from Bradford city council, which suggest that that is not true. The point was made clear on the ballot paper, and the minutes say:

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"It needs to be made clear that it is a majority of those that vote that will win the day—and that people who don't vote will not be taken into account."

I hope that that reassures my hon. Friend.

My hon. Friend also mentioned the importance of governance and democratic accountability. In keeping with best practice from the Housing Corporation, when the council's stock was transferred through the LSVT system to Bradford Community Housing Trust, there was the traditional one-third representation: one-third tenants, one-third councillors, and one-third independent members. I understand that the RSL is restructuring its board and governance procedures, but that activity will put greater emphasis on tenants, who will hold a majority on the board. That will be important in raising housing standards in the organisation, so again, I hope that my hon. Friend takes some reassurance from that point.

My hon. Friend mentioned important points about the Woodhouse estate, and I would very much like to come up to see it, if she will invite me. I have similar issues in my area, and I understand her concerns. The Woodhouse estate has been examined closely, and it is not considered cost-effective to repair some houses. She rightly said that Bradford Community Housing Trust carried out an options appraisal, and its preferred approach is to decant, demolish and rebuild. I understand, and I shall ensure, that the trust has met local residents to discuss that preferred option, but meetings have been poorly attended.

Mr. David Amess (in the Chair): Order. We must move on to the next debate.

Energy Regulations (Consumer Prices)

11 am

Dr. Vincent Cable (Twickenham) (LD): I have been lucky in recent weeks with Mr. Speaker's roulette wheel—this is the second major debate that I have secured since the new year. It is topical, and the matter has been discussed in the House. Debate on the Energy Bill has been concerned primarily with the mix of suppliers and particularly the role of nuclear energy, but it has touched on fuel poverty. There was a debate here in Westminster Hall on fuel poverty on 8 January, secured by the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz). Many of the right points were made, and since then the fuel poverty advisory group has delivered its report and there have been important discussions about the matter. I hope to add value by advancing some of the arguments made.

I wish to raise three matters. The first, and biggest, is whether energy prices are overwhelmingly driven by increased costs or whether there is an element of a breakdown in competition, unfair competition or monopoly profit. That is an important point that we have not properly pursued, although the Chancellor intervened with Ofgem. The debate presents an opportunity to pursue it in detail. I notice that the hon. Member for Selby (Mr. Grogan) is here. He will probably speak for himself, but he has tabled a motion in the past few days recommending a move towards the Competition Commission. I shall argue that he is right that that needs to happen, and I shall make the argument for that step by step.

The second matter that I wish to touch on is whether the Government could do something about costs and prices directly or indirectly through the European Union. I shall briefly mention gas storage, liquefied natural gas terminals and access to the European Union market. Thirdly, and finally, I shall return to something that has been discussed here often—fuel poverty and the role of the social tariff.

The context of the debate is substantial increases in domestic energy prices—I shall be talking about domestic energy, not transport. Four of the big six producers have increased their prices in January, and E.ON is thought to be following fairly soon. There has been a 17 per cent. increase in the price of gas and a 12 per cent. increase in the price of electricity. In a five-year period, there has been an 85 per cent. increase in the price of gas and a 63 per cent. increase in the price of electricity. Combined bills have gone up by 76 per cent. over that five-year period, and in the past few days we have crossed the psychological threshold of an average household energy bill being more than £1,000.

Associated with that are various symptoms of hardship. There were an estimated 420,000 additional cases of fuel poverty in January alone, based on the conventional definition of spending more than 10 per cent. of income on fuel. Worryingly, there has also been a rise in disconnections. Many of us thought that that problem had been solved by Government intervention some years ago, but disconnections have almost doubled in the past two years as a result of stress on prices.

The conventional explanation for the rise in prices is that it is linked to cost. That is clearly a major factor—it would be unreasonable to suggest otherwise. There have

been big increases in international prices of oil, gas and coal. Gas is particularly important in the UK electricity sector, and prices are determined in a peculiar way at the end of the interconnector, linked with oil prices in Europe after a time lag of three to six months. External factors such as rising world prices are clearly a major influence. As the Minister has recently reminded us, there are additional factors such as the fact that we are opting for strong environmental policies, which impose on producers costs that are inevitably passed on. We must understand that. As he has pointed out, the annual cost of the renewable energy obligation is about £1 billion a year, and in addition there are the costs of energy efficiency undertakings. That all adds to costs.

The big question I want to pose is whether that is a satisfactory explanation. Is that all there is, or is there more to it? Some 80 per cent. of the public believe that they are being ripped off by the energy companies, according to a YouGov survey in the past few weeks. Is that right, and a fair assessment? Clearly the Chancellor of the Exchequer is worried that there is something else involved, otherwise he would not have approached Ofgem. I want to go through the argument about whether there has been a failure of competition policy that needs action.

The first point in the argument is that there is good research. A body called Cornwall Energy Associates carried out a meticulous, detailed study commissioned by Unison, the trade union, on the period 2003 to 2006. It tried to explain the increase in electricity and gas prices in that period and concluded that gas prices were pretty well determined by cost increases and were not a particular problem. On household budgets as a whole, it found that only 72 per cent. of the increase could be explained by cost increases and that there was a big unexplained differential.

The study meticulously went through all the contributory factors and concluded that the only plausible explanation was an increase in margins by the integrated energy companies that supply electricity. The study did not take a dogmatic, ideological view about that and stated that it was partly understandable, because profit margins had been very low in 2003 and it was understandable to try to rebuild them. However, the key conclusion was that as a result of their dominance in the market, the energy producers were able to push up their prices faster than their costs. There did not seem to be any other obvious explanation.

David Taylor (North-West Leicestershire) (Lab/Co-op): The hon. Gentleman will know that so far, Ofgem has rebutted and brushed away the concerns that people have raised. He is a distinguished economist of some standing. Does he agree that a market that is served by just six main suppliers is rather more likely to be oligopolistic than one served by the 20 suppliers that we had immediately just after so-called energy liberalisation?

Dr. Cable: The hon. Gentleman is right, and anticipates what I am going on to say. There has been a fundamental change in the market in the 20 years since privatisation. Initially there were two electricity generators, one integrated gas producer and a lot of regional monopolies. We then had a proliferation of competitors, but the industry has since consolidated and in the past 10 years has moved from 20 competitors to six vertically integrated companies.

The question is whether that matters and why. It matters because it has a major impact on new companies trying to enter the industry. I have had correspondence from a company called BizzEnergy, which is a specialist producer trying to sell wholesale energy supplies to small-scale business. In its letter to me and the attached note—the Minister probably has it, because the company has campaigned actively—it states:

"One of the biggest concerns facing companies like BizzEnergy is that with the 'Big 6' having their own power stations, with direct access to energy sources…this leads to market inconsistencies and aids the anti-competitive structure of the market…The liquidity of the wholesale market is currently very poor and sporadic due, in part, to this level of vertical integration."

It concludes:

"This has a direct impact on independent energy suppliers such as BizzEnergy and its potential new customers."

BizzEnergy is not the only company that is making that point. British Energy, which is the big nuclear energy company, has made a similar point about the dominating influence of the six integrated companies and their distorting effect. I do not wish to open the argument about nuclear power, but that is clearly testimony to the working of the market.

Mr. Jim Devine (Livingston) (Lab): I congratulate the hon. Gentleman on securing the debate. Does he agree that it is a remarkable coincidence that the six major companies have managed to increase their costs relatively similarly? The increases have all been about eight, nine or 10 times the rate of inflation. At a time when we are capping public sector worker pay, should we not consider capping those increases?

Dr. Cable: I agree with the spirit of the hon. Gentleman's intervention, although it is not strictly true: it is interesting that one of the six, Scottish and Southern, has not yet increased its prices. It argues that profits have accrued in the industry through the issue of emissions trading licences, and it is using them to hold down its prices. However, the spirit of the hon. Gentleman's question is right.

The next element in the argument is that the industry, supported by Ofgem, argues that we do not need to worry about any of that or those six producers, because consumers switch suppliers, which eats away at any profit margins that arise. They argue that 50 per cent. of households have switched suppliers and that households can make mark-ups of up to £100. They say, "It is a good market, so why should we worry about it?" However, when we probe a little further, it is clear that the supposedly competitive retail market does not work as it is supposed to. Half of households have never switched—mine is one of them—perhaps because of conservatism or age. For the 6 million households with pre-payment meters, it is often, indeed invariably, impossible to switch because they are locked into a debt repayment arrangement with their supplier, so they cannot exercise that choice.

The most damaging evidence on this issue came out of recent research by the university of East Anglia, which found that a third of people who had switched ended up worse off than they were before. They had made the wrong choice. It is easy to understand why. Many people change as a result of a calculated, thoughtful exercise, but many change under pressure. I have had

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endless correspondence with Scottish and Southern about old ladies in my constituency being browbeaten into changing their contracts and making bad choices. For all those reasons, one has to be sceptical of the Ofgem argument that there is a functioning market. It functions in part, but it does not function brilliantly.

The final part of the argument is the industry's claims that, because of the competition, British producers supply cheap power and gas. That is certainly true of British gas, which has historically been relatively cheap. The tables coming from the Minister's Department suggest that British electricity prices are roughly in the middle of the European range, but that is misleading, because those prices are after tax, and the British VAT rate is one of the lowest in Europe; it is 20 per cent. in many countries. Using the pre-tax cost, Britain has the fifth-highest electricity prices in the Union, so something is not working.

Mr. David Drew (Stroud) (Lab/Co-op): I congratulate the hon. Gentleman on securing this important debate. Does he agree that one problem with the current energy market is that Britain has so little influence over it? We depend increasingly on foreign-owned companies that clearly have interests other than serving the British people to whom they supply energy.

Dr. Cable: I am not sure that I agree. There is a problem with energy suppliers—I shall come to my conclusion on that point in a moment, which is similar to that of the hon. Member for Selby. However, I do not think there is an economic, nationalist argument. I am not sure that having Union flags flying in the board rooms of energy companies would necessarily alter their prices. It is not a question of the nationality of owners, but there is a problem. That has been recognised by many in the competition business.

Stephen Davies, a leading adviser to the Office of Fair Trading, has described the Ofgem approach as misguided and misinformed, and argues that there is a serious problem. Surprisingly, the issue has been taken up by the Competition Commission. The problems are complex. We are not talking about price fixing and crude cartels, but there is a competition issue. The head of the commission has argued that the purpose of its market investigations is

> "to enable the competition authorities to take an in-depth look at markets where competition is thought to be not working well, but where the problem does not at first sight appear to emanate from the dominant position of a single firm or the existence of hard core cartels."

That describes the energy sector pretty well. He then makes a slightly odd remark:

> "Despite the CC's powerful armoury of regulatory and competition enforcement powers, its involvement in regulated sectors…has been minimal. Whatever the justification…the fact is that regulators are not making references to the CC for market investigations."

I want to know why the commission is not being involved. It clearly has the competence and powers, and is willing to look into the issue. It feels that Ofgem is not making a reference that it should make, and many questions need to be answered, so why not have an investigation?

One aspect of Ofgem's conclusions is right: it accepts that there is monopoly profit in the market. That arises from the gains that producers make from being gifted trading certificates under the European emissions trading system. In response to the Chancellor's intervention a few days ago, Ofgem estimated that the energy industry will benefit from a windfall worth £9 billion of trade permits under the scheme over a five-year period. Effectively, there is a gift to the industry of £9 billion over five years because companies are being given the permits free of charge. That is a pure windfall and has nothing to do with efficiency.

A series of questions emerge from that situation. First, what are the Government doing about it? Does the Minister intend to implement Ofgem's recommendation that the windfall should be channelled—it did not suggest a mechanism—to those who are hardest hit by the energy price rises? Should companies try to ensure that it is passed on to all consumers? I know that he is trying to introduce an auction system; I think that 7 per cent. will be auctioned in the next few years, but why only 7 per cent.? Why not 17, 70 or 100 per cent.? It is a free gift to producers, after all. Why is it not being auctioned as one would expect in a market? I expect that he will say that if it were auctioned, companies might try to pass the cost on to consumers, thus pushing up costs even more, but that is why the problem has to be dealt with in conjunction with a reference to the Competition Commission. Different aspects need to be considered together.

David Taylor: The Chancellor will be familiar with the concept of windfall gains because the Treasury will have received about £500 million extra in VAT receipts in the past five years because of the increases in electricity and gas prices. Why cannot some of that be recycled into Warm Front, which is losing about 25 per cent. of current expenditure levels and Government support?

Dr. Cable: That is a good point that I intend to discuss later. There are windfall taxes, although we do not call them that any more, such as the petroleum revenue tax. Other countries are doing that. Spain is trying to retrieve some of the windfall from the European trading certificates, although I do not know what mechanism it is using. It may be similar to that which the hon. Gentleman describes.

My next set of questions is about what the Government could or should be doing regarding other aspects of energy costs, starting with gas storage. An odd feature of Britain is that we have low levels of gas storage in comparison with other EU countries. I think that the figure is still five days, as opposed to more than 50, but it might have changed. We have one major storage at the Rough field, going back to the 1980s. In a world in which prices are volatile and a lot of imports are increasingly required, storage becomes important to even out booms and busts in prices, so why is ours so low? Could anything be done about it? As someone who came out of the oil industry, it puzzles me that we have a mandated strategic reserve for oil—under an international agreement, companies have to provide a strategic reserve—but none for gas. Gas affects households and industry as opposed to just transport, so it is just as strategic as oil—why do we take a different approach to it? Is there anything stopping the Government having such a policy?

Does it have to be done internationally? Could it be done domestically? What are the practicalities of it? Surely, if we are interested in having greater stability of gas prices, that is one way of achieving it.

My second question relates specifically to diversity of supplies. A recent and, indeed, welcome development is that instead of being dependent on the end of the pipe from the interconnector, Britain now has alternative liquefied natural gas supplies coming in by boat. There have been delays—the Milford Haven problems are well known—but there is a question that I find difficult to answer. Perhaps the Minister knows the answer. Why is the existing Isle of Grain port so underutilised? Apparently, it is only about 50 per cent. utilised, yet if there were a big burst in domestic prices, one would expect, in a market, that liquid gas would come into the country.

A possible explanation is that the Isle of Grain is a BP project and is therefore run in the wider interests of BP. There is nothing wrong with that, but the Government chose not to require third-party access, which would have brought in more competition, enabled more suppliers to make use of the port, and helped to stabilise the market. Why has that not happened, and is it possible to rectify the situation?

Another question under this heading relates to the European Union. We know the well-rehearsed arguments about the malfunctioning of the European gas market in particular, and the link to oil prices, which is a linkage that should not occur, but the practical question is whether anything can be done about it. We all know about EU lack of liberalisation, but where are we on rectifying it? I understand that legislation has been promised by the end of next year that will, in effect, change the market for the better. Can the Minister update us on his assessment of the realism of that time horizon, and whether the legislation will make a difference?

Mr. John Baron (Billericay) (Con): In essence, I agree with the vast majority of the hon. Gentleman's points, but I suggest that we need to look closely at the EU treaty that is before us at present, as it fails to usher in a truly competitive EU market. The term "free competition" was apparently removed from the draft treaty at the behest of the French, and we are seeing now, for example, the amalgamation of two giant energy companies, Gaz de France and Suez, to create one enormous one. Economic nationalism seems to be on the march on the continent. What does the hon. Gentleman have to say about a treaty that does not seem to be tackling this issue?

Dr. Cable: The hon. Gentleman is anticipating not what I am about to say but what I shall say tomorrow in the debate in the main Chamber on competition policy and the protocol attached to the treaty. In passing, the simple answer is that the protocol will, in effect, make the Sarkozy amendments symbolic and not real. However, the hon. Gentleman has touched on a real problem, and I do not want to minimise it.

My third question is about fuel poverty and the Government's response to it. The broad problem has often been debated here. We have the problem that a large number of people—currently 4 million, as opposed to 2 million in 2003—are classified as fuel poor on the standard definition of greater than 10 per cent. of income spent on domestic fuel. The problem has been caused by a combination of income, energy prices and housing conditions, and the estimate is that some 420,000 fell into fuel poverty in the past month. Last year, 24,000 excess deaths were attributed to fuel poverty, so it is a major social problem.

It is fair to say that when this Government came to power, they initially made considerable strides to deal with the problem—the figure for fuel poor was 4.5 million in 1999—but we have had a recent reversal of fortune. I simply quote what the chairman of the Minister's own quango, the Fuel Poverty Advisory Group, said about the policy on fuel poverty. He gives a rather harsh judgment that it is "incomprehensible, unjustifiable and shocking". That is what he told the press over the weekend in discussing the report that his organisation has just published.

I want to focus on the practical ways in which the problem might be alleviated, in particular the debate around the social tariff.

Adam Price (Carmarthen, East and Dinefwr) (PC): Before the hon. Gentleman comes on to solutions, does he accept that part of the problem that we face in respect of fuel price rises is that they are unevenly distributed? Indeed, they are often concentrated in the most disadvantaged communities. Only today, figures came out that show that in Wales electricity prices are, on average, 20 per cent. higher than in England, and of course Wales has some of the most disadvantaged communities in the United Kingdom.

Dr. Cable: Indeed, the pattern of energy prices is regressive, both regionally and between social classes. What happens under the pricing system is that we have a negative social tariff, or, as somebody put it, reverse cross-subsidisation. In effect, the poor subsidise the rich through the pricing system. According to Energywatch, low-income households on prepaid meters pay 20 per cent. more, which amounts to some £140 a year on average, and something closer to £200 a year in the worst cases.

Clearly, the energy companies have addressed the problem, at least in theory, with their own social tariffs. Of course, some companies do not do anything; I believe that npower is one. Some companies—for example, British Gas—do rather more, but then British Gas has the biggest price differential between prepaid meters and online ordering, so the tariff is only partial compensation.

Can the Minister bring us up to date on the arguments on the social tariff? As he knows, a formidable coalition of charities—Help the Aged, Energywatch, the National Consumer Council, Unison, Save the Children, Barnardo's, the National Housing Federation and Age Concern—is arguing that a Government power to require the companies to introduce a minimum standard of social tariff needs to be written into the Energy Bill. It is not a very ambitious demand, but it appears that the Government are balking even at that, and that they do not want reserve powers to be written into the legislation. I hope that the Minister will explain his position on the issue and say whether he is willing to listen to the powerful representations that have been made. A minimum standard is not too much to ask for in this context.

To conclude, this issue is relevant not just to the past few weeks. I fear that the sudden surge in energy prices

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may well intensify. In fact, the Minister himself has said that we have moved away from the world of cheap energy. I do not know whether that is true, but certainly in the short term oil prices will be very high, and they normally feed through into gas prices after three to six months. There may be further pressures for utility price increases. Many industrial users are seriously worried about the forward markets, and what will happen this summer.

Many of the issues that I raised will continue to be relevant. I hope that through debate and discussion we can make some progress, particularly on a Competition Commission reference and on a more progressive policy on fuel poverty and the social tariff.

11.28 am

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): I congratulate the hon. Member for Twickenham (Dr. Cable) on introducing the debate and on his careful analysis of the problems that we are facing. I welcome what he had to say, not least because he anticipated some of the things that I wanted to say myself, and because he repeated some of the points that I made not just in the debate in this Chamber in January this year, but on 23 January last year, when I warned about some of the things that happened in the course of the year and the winter.

The policies of the energy companies and the role of Ofgem, which we will want to consider and which were touched on by the hon. Gentleman, have not avoided what seems to be a crass undermining of the Government's policy on inflation. The fact is that millions of people in Britain, many thousands of them in my constituency, are finding that their quality of life has diminished. My hon. Friends who are present this morning have raised those matters again and again.

We welcome the fact that today's *Daily Record* dealt in some detail with the issues that we are debating; we welcome that transparency. I am also pleased that the paper's leader, although its coverage was largely encouraged by Alistair Buchanan, who does a very good public relations job for Ofgem, made clear the position that we are in:

"Fuel prices are too high, simple as that. Companies making multi-million profits have raised prices again and again over the last couple of years."

The leader went on to mention that Alistair Buchanan

"says there is a 'bonanza' out there."

To be fair to Mr. Buchanan, he was promoting the idea, which I want to deal with shortly, and which the hon. Member for Twickenham addressed, that switching is the answer for many people. If there is a bonanza out there, it seems to me that it is not for the most vulnerable people, who have to pay the additional prices, or for those who have been the subject of so many studies, including the one by Save the Children, to which I shall return if I have time. More and more of the poorest people must deal with problems caused by price increases. If there is a bonanza, I can see evidence only of the one that the energy companies are enjoying to the hilt.

Mr. Devine: My right hon. Friend has raised an important point. Does he agree that the Government are adopting a contrary position when they cap the pay of public sector workers in the fight against inflation—saving merely £30 million in the case of the police—while at the same time they allow companies to rip off the people of Britain?

Mr. Clarke: My hon. Friend makes a good point, which has been raised again and again by my constituents—and, no doubt, his.

The *Daily Record* leader concluded by referring to people power. In fairness, it was encouraging people to switch where that would be appropriate. However, it said:

"What's more, people power is the only way to keep prices down."

I welcome what the *Record* is doing, but, as to people power, Members of this House have tried again and again to exercise exactly that. One of my reasons for calling for a debate last January was that my Lanarkshire colleagues got together and, trying to speak for 500,000 potential consumers, we wrote to all the energy companies and said, "If you can reach agreement with companies on a discount, we offer you the prospect, as Members of Parliament, with nothing to gain, of a forum to enable the big companies to speak to the people. There would be competition in action and our constituents would have the opportunity to choose the company best suiting their needs." What we got from many of the companies was absolute abuse. There was no suggestion that our constituents could enjoy the same access as companies. I spoke to a gentleman from a big company yesterday who told me that it had an agreement under which it paid for bulk purchase five years in advance. I do not know of any of my constituents who are being urged to switch who would get that benefit.

I want now to discuss switching, and what it means in reality. I use the word "reality" because I am a realist. The hon. Member for Twickenham accepted, and I agree, that of course wholesale prices have risen and that oil and energy reforms cost more. Inevitably that has an impact on the prices that must be considered. My question is why the consumer should bear most of the burden. I think that that is the question asked by most of us. In a truly competitive market, if only two, not one—we heard from the hon. Member for Twickenham that one of the energy companies has acted pretty well in this context—offered their consumers reasonable prices, they would undercut the rest, and bring about an exercise in real competition and choice.

Yesterday we received information about the publication of a poll by Save the Children. Its findings were very disturbing. It showed that nearly one in five families with kids cannot afford to heat their homes. It also showed that 19 per cent. of families could not keep their homes warm because of the cost. It indicated that 15 per cent. of households cut back on food, and the same number on clothes. If we are to be led to believe that the answer to all that is switching—I do not want to discourage anyone who is free to do it from doing just that—my response is that there are very few facts to support that view. For example, npower announced an increase this January. Even if people wanted to switch that would take six to eight weeks, by which time it will be almost

spring, and those people will have had no help with the severe winter conditions that many parts of the United Kingdom have had.

Adam Price: Does the right hon. Gentleman accept that switching is more likely to be attractive to the young than the old, and to those with internet access, because that is where most switching information is? Indeed, Ofgem's figures show that two thirds of pensioners have never switched. For the people who most need help, switching is not the solution. Given the negative experiences that pensioners often have when they switch, as pointed out by the hon. Member for Twickenham, it is hardly surprising that so many of them are reluctant to go down that route.

Mr. Clarke: I repeat that I do not want to discourage those who are free to switch from doing so. None of us would. But the hon. Gentleman has a point. The suggestion, in the midst of all the problems that people are dealing with, that switching is the whole answer, and Ofgem's devotion of so many resources to that answer alone, is not something I find convincing. Many people have switched more than once, only to find that prices have gone up again. All the evidence is that no sooner do people move, but the energy company they have joined raises its prices, too. The hon. Member for Twickenham mentioned evidence from the university of East Anglia showing that about a third—1.3 million people—switched to a tariff that was worse than their previous one.

Mr. Roger Williams (Brecon and Radnorshire) (LD): Will the right hon. Gentleman give way?

Mr. Clarke: I am watching the time, so I shall give way for the last time, and try to conclude, because I know others want to speak.

Mr. Williams: The right hon. Gentleman is making valuable points about switching. I thought at one time that I was the only person who had not switched, until I heard that my hon. Friend the Member for Twickenham had not either. It is difficult to compare different companies on the internet, because they use different tariffs, and people do not know whether the tariff that they are on is equivalent to the one being offered by another company.

Mr. Clarke: The hon. Gentleman makes another solid point. It is very difficult to switch. The plain simple fact is that many people are prevented from switching by debt, prepayment meters that make switching harder, or outdated radio meters that simply will not allow it. Ofgem should have a second look at the view that switching alone should be the highest priority.

I promise to wind up my contribution because I know that many hon. Members want to speak. The Minister knows that I have the highest regard for him and I know that, given the challenges he faces, he will do the best job he can. However, it is extremely worrying that yesterday Peter Lehman, the Government's own adviser on fuel poverty, said in a press release that the big six energy companies

"have raised their prices, especially electricity prices, by more than their cost increases (with variations between companies) and Ofgem has done far too little even to investigate this".

I think that that is the case. We know that there is a problem and we expect more from the regulators. If the powers do not exist, there is huge anxiety among all hon. Members that we should consider creating those powers. That is one reason why I shall conclude by saying to my hon. Friend the Member for Selby (Mr. Grogan) that he was right to table his early-day motion, which I have signed. If the companies and Ofgem think that their case is so good, why are they worried about going to the competition commissioner? Let them do so and undergo an examination, and let us go back to the people and explain what we have sought to do on their behalf to remove such a serious problem.

11.41 am

Mr. John Grogan (Selby) (Lab): It is a pleasure to make a brief contribution to this debate. I think that there is a television show called "Before They Were Famous" and those of us who are regulars in Westminster Hall debates listened to the hon. Member for Twickenham (Dr. Cable) before he was famous. We are used to his analysis and sharpness and were not at all surprised that in many people's opinion he was judged to be the parliamentarian of recent months and the past year. I am pleased that he has initiated this debate. It is also a great pleasure to follow my right hon. Friend the Member for Coatbridge, Chryston and Bellshill (Mr. Clarke).

As I said, I shall make a brief contribution in support of the hon. Member for Twickenham and the three essential points that he made. The Government should at least consider three regulatory interventions in the energy market: first, a reference to the Competition Commission of the big six; secondly, consideration of whether the Energy Bill should contain a provision on a minimum social tariff for the energy companies; and thirdly, examination of whether the Government have done enough in relation to the boast of the former Chancellor, now the Prime Minister, that on the issue of gas storage and pipelines the companies will have to use it or lose it. I think that the former Chancellor used that phrase in a Budget a couple of years ago. I want to examine those issues briefly and I will try not to go over the ground that has already been covered.

In referring to the European energy market a few years ago, one commentator talked about the seven brothers—the seven big energy companies—that dominate the energy market. We have six, not seven, brothers who dominate our energy market. It is worth listing them for the record: RWE npower, EDF Energy, British Gas, Scottish and Southern Energy, E.ON UK, and Scottish Power—which is being taken over by Iberdrola, a Spanish company. In recent weeks there has been confusion about the precise allegations that are being made about those six companies. For example, *The Sunday Times* ran a story about the Energy Retail Association and suggested that there had been meetings between energy companies, and that collusion and price fixing might be happening. I have seen no evidence of that. If there is evidence, it is a serious matter for the Office of Fair Trading. However, the fact that there is no proof has been used by some to say that there is no problem. The hon. Member for Twickenham referred to the Chancellor summoning the Ofgem regulator, who assured him that the market was competitive, in response to which the Chancellor said, "That's all right then."

[Mr. John Grogan]

Those developments have occurred over recent weeks, but the essential point is the structure of the market and vertical integration, to which the hon. Gentleman referred. No one has mentioned Energywatch so far in this debate. It has done an in-depth analysis to support some of the studies that have already been mentioned. Those studies discuss vertical integration—a market where a large number of the players are not just producing electricity and gas but retailing it, and are involved in every part of the process. In a short paper, which I recommend to the Minister, Energywatch mentions various anti-competitive practices that a vertical structure introduces.

Mr. Tom Clarke: Energywatch has done an outstanding job and it is a great pity that it will not be with us for very long.

Mr. Grogan: I thank my right hon. Friend for his intervention. We will miss Energywatch because it has led the debate. In a moment, I shall reflect on why Ofgem might not be keen on a reference, but Energywatch has played an exemplary role in dealing with the issues of fuel poverty and competition in the market.

David Taylor: And in terms of social responsibility.

Mr. Grogan: It has also played a key role in terms of the social responsibility of the companies. I will not mention all the different criticisms that Energywatch makes of the energy markets. There are well over 20 criticisms, and they break down into different themes. One feature of any market that is competitive is the flow of information and ensuring that people know what is happening. Energywatch criticises upstream long-term gas sales agreements, which account for more than 85 per cent. of source gas supplies to the UK. It states:

"These have the effect of withdrawing from the open market, information on prices and volumes which is necessary to make open markets work".

There are many criticisms of price transparency and Energywatch goes into great detail about what it calls market foreclosure, which I understand relates to the great difficulty that any company has in breaking into the big six. From 20 down to six has already been referred to as the number of effective entrants in the market. That situation is quite remarkable. The hon. Member for Twickenham referred to British Energy, which is by no means a small player. It has complained to Ofgem that

"the access of the 'big six' to their own power stations and gas supplies undermines competition by restricting energy sales on the open market."

And that energy trading

"increasingly forecloses the market to new entrants".

Average UK consumer gas prices between 2004 and 2006 rose by 64 per cent. as opposed to 19.5 per cent. across six peer nations in Europe, in which there are apparently much less competitive and deregulated markets.

So, what are we asking for? We are asking for a reference, which is quite a simple request. Why is Ofgem not making a reference and why do regulators generally not make references about the markets that they are in charge of to the Competition Commission? I suggest that it is because of pride. Ofgem got rid of price controls some years ago and it is reluctant to admit that it is not capable of giving both the business and the residential consumer the best possible deal because of the structure of the market. That is why Ministers were given the power to make a reference in the legislation. I understand that doing so is difficult because many of the businesses concerned are the same ones that are building new power stations, upon which the nation relies. However, overall in business terms, I think that the Government would be incredibly popular if they made such a reference to the Competition Commission. For example, manufacturing industry is very critical of energy prices and the influence of the big six. I realise that it would take political courage to make such a reference, but I would like to think that the Chancellor was serious when he summoned Ofgem the other week and that when he studies the documents from Energywatch and others, he will realise that an examination of the issues is essential so that the energy companies and the critics can both make their case as we move forward.

The issue of social tariffs has been well covered. We last spoke about the subject in a debate on fuel poverty in the House a couple of weeks ago, and I was particularly critical of npower and the chief executive of npower retail, David Threlfall. It is interesting that in recent weeks even Ofgem has picked out npower as having the most to do to improve its social responsibility and tariffs.

David Taylor: The debate pack that the Library has helpfully supplied lists my question to the Minister on 22 November 2007, column 1315 of *Hansard*. In relation to social tariffs, I urged the Minister to give Ofgem reserved powers to insert a minimum floor to the tariffs. The Minister said then that some companies are doing well, and others are now moving in the right direction. Will my hon. Friend indicate which companies he thinks the Minister had in mind, and what the right direction is, because that is not immediately obvious to the outside observer?

Mr. Grogan: I shall let the Minister speak for himself on how he would rank the various companies. It is interesting that when npower was criticised by the regulator a few weeks ago, rather than putting its hand up and saying that it needed to do better, it rebutted the regulator's claims and said that it had a range of practical solutions. Incidentally, it was found that it had disconnected seven in 1,000 gas users last year, which was twice as many as its nearest rival, EDF Energy, which disconnected three and a half in 1,000.

David Heyes (Ashton-under-Lyne) (Lab): It is futile to try to rank the companies, because they are all woefully inadequate by any measure, so legislation to force action on a minimum floor is the right way forward. Does my hon. Friend agree that the existing arrangements are largely a sham, and a pretext for corporate responsibility that is not real?

Mr. Grogan: I agree that the time has come to have a minimum floor for social tariffs. I have great hopes of the Minister, and he gave a thoughtful interview on the "Today" programme this morning. If he looks back at the White Paper, he will see the comment:

"If no further action is undertaken by the companies"

the Government

"will consider whether to take the opportunity for legislation to enable the Secretary of State to require companies to have an adequate programme of support for their most vulnerable customers. In this context, we may consider the role of mandated minimum standards for social tariffs".

The Energy Bill provides the opportunity to do more than just consider; it provides the opportunity to put that into effect.

I was almost moved during the Minister's interview this morning when he replied to the claim that we have 22,000 more deaths among the elderly population in winter than in summer. The reason for that can only be energy prices. In Scandinavia, there is no significant difference between the number of winter and summer deaths. We have a chance to make a difference on our own watch as MPs and as a Government. We have a target of eliminating fuel poverty by 2016, so I hope that the Minister will take further steps in the Energy Bill.

I said that I would say a few words about gas storage and pipelines. The matter was dominant in the news 12 or 18 months ago when wholesale gas prices were high, but went off the political agenda during a short period when there was rather less pressure on wholesale gas prices. I understand that about a year ago, Ofgem consulted on the operation of the gas storage market, gas pipelines and so on. I would be interested if the Minister briefed us on the conclusions of the Ofgem inquiry, his response to it, and whether there is a case for instituting in law third-party access to gas storage and gas pipelines, which the hon. Member for Twickenham mentioned.

11.53 am

Mr. Roger Williams (Brecon and Radnorshire) (LD): It is always a great pleasure to speak in debates under your chairmanship, Mr. Amess.

I congratulate my hon. Friend the Member for Twickenham (Dr. Cable) on securing this debate. He has great expertise as an economist, particularly of energy and oil companies, and has been able to relate complicated Competition Commission issues to the fate and experience of vulnerable people who are finding it more and more difficult to keep their houses warm, and to survive the winter. However, he represents Twickenham, so he was remiss in not mentioning the great energy surge there during the second half of the Wales and England game last Saturday. That was one of the last great class battles and for once we had the result that we often deserve, but rarely achieve.

Fuel, food, water and air are essential commodities for life, and we must pay for three of them at the moment. The hon. Member for Selby (Mr. Grogan) mentioned that there are 22,000 more deaths during the winter, which could be avoided if we had properly insulated houses and fuel that people could afford. That is a testament to our inability to address the fuel poverty issue, and brings into question whether we are such a civilised country as we claim and hope to be.

My hon. Friend focused on competition issues, and it is important to reflect on them again. Fossil fuels, which are the mainstay of heating and lighting our homes, are a finite resource. Many of us are aware of the concept of peak oil and peak gas, and there is competition in that also, because that finite resource is coming to an end, and exploration and exploitation to produce that resource are becoming more difficult and expensive. It is sometimes said that the best cure for high prices is high prices, because higher prices encourage investment in exploration, exploitation and so on. However, we are approaching the stage at which wherever we look for such resources, they will cost more, and some of those issues will be reflected in the price.

Another competition issue to which a number of hon. Members referred is consolidation. The number of energy companies has fallen from 20 to six, and that has been mentioned often during the debate. There has been a similar experience with supermarkets. Morrisons recently bought Safeway, which reduced competition. When there is consolidation, even if the remaining companies try to remain within the spirit of competition law, it is sometimes difficult. Indeed, an inquiry by the Competition Commission into supermarkets has established that there was uncompetitive practice in the grocery trade, particularly the dairy trade. A number of supermarkets have admitted to that breach of competition law and been fined, while others refuse to accept that and are contesting the issue.

When a small number of companies are vertically integrated, it is more difficult for them not to be uncompetitive than in the supermarket trade where at least vertical competition has not reached the same scale as in the energy sector. Ofgem must look at that, and consider whether there should be a referral. The market is huge and domestic energy accounts for 27 per cent. of total UK consumption, of which gas makes up 69 per cent., electricity 22 per cent., petrol products 7 per cent., and coal 1 per cent. The problem is not restricted to domestic supplies; small businesses also find it difficult.

When I was having a pre-match drink on Saturday in the Old Cognac, which is an excellent pub and provides excellent food, the landlady told me that her fuel bill is now £3,000 a quarter for that very small but high-quality establishment. The problem affects domestic consumers, but also small businesses. I remind the Minister that it would not be new for the Competition Commission to investigate the fuel industry. At the instigation of my predecessor, the noble Lord Livsey, and following continued pressure from me, there has been an inquiry into liquid petroleum gas, on which a number of people who are not on mains gas have to rely. That fuel is much more expensive per unit of energy than mains gas or electricity.

In the inquiry, the Competition Commission uncovered some uncompetitive practices, and we are still waiting for it to make its recommendations on how to deal with the problem. I understand that the park home owners have put in an objection to the recommendations. I ask the Minister to accelerate the outcome of that inquiry because vulnerable people such as park home owners and pensioners, who are not on mains gas, suffer from the very high prices of liquid petroleum gas.

Clearly, problems exist for consumers. Energy prices are quick to rise when gas and oil prices go up, but they do not seem to drop when prices come down. May I refer to the point that was made by the hon. Member for Carmarthen, East and Dinefwr (Adam Price)? The *Western Mail* today reported that energy prices in Wales were between 15 and 20 per cent. higher than from the

[Mr. Roger Williams]

same supplier in England. By referring the matter to the Competition Commission, I want to ensure that the issue of regional pricing disparities is addressed. In my constituency, some of the ex-mining villages do not have mains gas and have to rely on oil and electricity, which is an expensive form of heating. Therefore, this disparity in pricing really must be tackled.

Ofgem claims that the level of competition can be calculated by the number of people who switch energy suppliers during a given year. We have heard that about 4 million domestic users out of a total of 36 million have switched. As the right hon. Member for Coatbridge, Chryston and Bellshill (Mr. Clarke) said, many of those switched because they were encouraged to do so, and did not necessarily secure a good deal.

In conclusion, a number of issues relating to competition need to be addressed. Fuel poverty is a scourge from which this country suffers. I thought that the Minister was very measured in his response to the interview on Radio 4 this morning. He clearly understood the problems. The Government's energy policy is that prices should be reduced through competition. We can see that that is not happening for a number of reasons, including limited supplies and the consolidation of the industry itself. The Minister will know that although some of the Warm Front schemes have been very successful, the Government are now reducing their investment in them.

To sum up, are the major companies being really competitive? I am not alleging that an overt cartel exists. So, are there any ways in which companies are co-ordinating prices by means other than overt cartel making? We must look at the social tariff, which was raised by the hon. Member for Selby, whose early-day motion will probably be signed by many of us. We need to look at meter payment, the associated high tariffs, and the difficulty of those on meters to switch supplier. We also want to look at regional differences in supplies. The liquid natural gas pipeline has come through my constituency, but not a single constituent will be able to tap into it. Despite all that disruption, prices are still higher in Wales. Will the Minister address the liquid petroleum gas issue and tell us when people in isolated villages and homes can benefit from true competition?

12.5 pm

Mr. John Baron (Billericay) (Con): I congratulate the hon. Member for Twickenham (Dr. Cable) on securing this debate, and other hon. Members on their excellent contributions. A great deal of consensus exists on this issue. Rising energy prices and fuel poverty are a concern for all our constituents. It is essential that we have the right regulatory framework in place to deliver a competitive market and to try to secure the best possible prices for all our citizens. In fairness, we should recognise that Ofgem has provided the UK with one of Europe's most competitive markets. Arguably, we have the fifth cheapest market for electricity and the cheapest for gas. Energy prices for consumers remain lower than before market deregulation. However, we must recognise that international and economic forces and global trends are driving up prices. The question is whether the Government are doing all that they can to help people with those price increases. Serious questions have been asked by hon. Members, and I want to focus on two or three other issues as well. I hope that the Minister will have plenty of time to answer my specific questions.

Since 2003, the price of gas has risen by 82 per cent., and the price of electricity by more than 60 per cent. Cost increases are taking their toll on all households, especially those of the elderly and the vulnerable. I make no apology for repeating that point. We have all had letters from constituents raising those issues. I recently received correspondence from a local gentleman in his 60s explaining how, with council tax increases and rising food bills, increases in energy prices are causing a real difficulty. I hope you will forgive me, Miss Begg, if I read out a couple of sentences from his e-mail. He states:

> "I myself cannot pay the gas and electric increases, petrol or council tax increases. I have informed the utility companies that I cannot pay the 27 per cent. increase."

He goes on:

> "So, my food has to suffer and I eat less. I only have one good meal a week. I live on toast and biscuits and chips and the odd cup of tea daily to keep my weekly costs down...The Government are aware, but don't care."

I fear that there are many others in the same situation.

According to some estimates, the number of fuel-poor households has doubled since 2005 alone despite a Government target to eradicate fuel poverty from vulnerable households by 2010. Picking up on an earlier point, will the Minister explain why there has been a cut in the budget for the Warm Front scheme, which is the main mechanism for assisting households in fuel poverty?

We have also heard figures relating to fuel poverty deaths. Apparently, in the winter of 2006-07, about 25,000 people over the age of 65 died as a result of cold-related illnesses. Those figures are far in excess of countries on the continent with even more severe weather conditions. The disparity in the figures between those who die in the winter and those who die in the summer is far greater in this country than on the continent. Will the Minister address that issue because it suggests that the Government's strategy and policies are not having the desired effect?

Fuel poverty, as we have heard, impedes competition. As many as 2 million customers cannot switch suppliers because they are already in debt to their existing suppliers. In light of that worrying trend, I hope that the Minister will use his winding-up speech to explain how he proposes to meet his target to eradicate fuel poverty and say whether he believes that the time has come for Ofgem to have a specific mandate to ensure that fuel poverty is driven down, which has been touched on by a number of hon. Members.

We have also touched on social tariffs. I do not wish to re-explore the debate about social tariffs, but they could be part of the solution. Some suppliers are keen to develop them. Indeed, there have already been calls for the Secretary of State to take powers to direct suppliers to provide social tariffs. I would welcome the Minister's response and opinion on that.

We have heard about Ofgem's future role. It could have an important role to play in promoting sustainable development and reducing our national carbon footprint. As the Minister will be aware, the Sustainable Development Commission has made five key recommendations about Ofgem's responsibilities, including changing the market

arrangements to make it easier for small and low-carbon generators and suppliers to compete—a point touched on by the hon. Member for Twickenham. It would be useful to know whether the Minister has considered the options proposed by the commission and what views he has been able to form.

One of the commission's recommendations was for consumers to have better information through smart metering and billing to help them to make decisions about energy consumption. The Government have been slow off the mark in that area. I suggest that they have committed themselves to the technologically inferior electricity display device over the smart meter, despite industry consensus that EDDs may be a waste of time and money and will not help to deliver favourable reductions in fuel poverty. The beauty of smart meters, as I understand them, is that they offer the opportunity for varied and innovative tariffs that will encourage those on tight budgets to use electrical appliances such as washing machines in off-peak hours. EDDs, however, simply tell people how much electricity they are using and perhaps dissuade them from using their appliances at all. In addition, EDDs work only for electricity, not gas, despite gas being the main heat source for most UK households—the figure that we heard was 69 or 70 per cent. of all households.

The use of smart meters in all homes would lead to the removal from use of often expensive pre-payment meters, which statistics suggest are a much more expensive way of using energy. Many of the customers who use pre-payment meters are fuel poor and in debt to energy companies. Smart meters would also allow many people who are prevented from moving supplier to take advantage of market liberalisation. Will the Minister explain why he decided to opt for EDDs over smart meters? What beneficial effects are they likely to have on fuel poverty?

Finally, I want to touch on how to ensure true competitiveness in the UK market—the point that I raised with the hon. Member for Twickenham. In assessing competitiveness, we must consider not only the UK market, but the wider European context. I have already posed the question in this debate about the EU treaty, which fails to usher in a truly competitive EU market. Liberal Democrat Members and Government Back-Benchers must ask why the treaty is not ushering in a more competitive market. For example, the phrase "free competition" was apparently removed from the draft treaty at the behest of the French. Some of our continental allies appear to take a far less liberal approach to these matters than we do, and the consequence not only for British business but for British consumers is very serious. Whereas 20 million British consumers use French or German gas suppliers, none in France or Germany uses UK ones, so we have to consider the issue in a European context.

For evidence of the different attitude taken by our neighbours, we need look no further than France's €70 billion merger of energy giants Gaz de France—already Europe's largest natural gas operator—and Suez to create what will become the world's fourth-largest energy company, with the French Government keeping a one-third share of the new company. That is, as I have suggested, economic nationalism on the march. The French Prime Minister has gone on the radio and said, "We have control. We control strategy." That is creating national champions and that cannot be good for competition. The merger was approved by the European Commission in 2006, subject to conditions, but how different that approach is from our national experience of breaking up monopolies and not consolidating national champions.

Meanwhile, European watchdogs have been busy probing continental energy firms over claims of anti-competitive practices, but many of the results have proved inconclusive. There does not seem to be the political will to sort that problem out. I suggest to all hon. Members that if we are truly serious about trying to help our citizens in achieving or gaining the best possible prices, we have to grasp that nettle and try to ensure greater competition across Europe as a whole. I ask every hon. Member to examine the EU treaty carefully, because it falls well short of trying to introduce a more competitive market across Europe as a whole. One is not looking for favours or anything like that, but one does want far greater competition and this EU treaty is not delivering it. The treaty shies away from bringing in a more truly competitive market. Will the Minister say what the Government will do to try to put that right? What pressure will the Government bring to bear with their European counterparts in bringing into effect a much more liberalised energy market on the continent? We are failing to do that at the moment.

I do not intend to say much more because I want to leave the Minister plenty of time to respond to the points that we have all made, but I ask him in all earnestness and honesty to address the concerns that we have raised, particularly with regard to smart meters, Ofgem's future remit and how we can best create a truly competitive European market.

12.16 pm

The Minister for Energy (Malcolm Wicks): I congratulate the hon. Member for Twickenham (Dr. Cable) on the measured and thoughtful way in which he introduced the debate. I hope that I shall have time to respond to some of his key points. We heard a very fine speech from my right hon. Friend the Member for Coatbridge, Chryston and Bellshill (Mr. Clarke), who has been a long-term advocate of doing more for the fuel-poor. My hon. Friend the Member for Selby (Mr. Grogan) made an important speech.

We also heard some important Front-Bench contributions. I was impressed that the hon. Member for Brecon and Radnorshire (Mr. Williams) is so diligent that he even continues his research when in an establishment that he called "The Old Cognac". The price of an old cognac would be more than a new cognac, so I hope that that helps with some of the energy costs involved. I congratulate his nation on a remarkable comeback in the rugby over the weekend.

I hope that the hon. Member for Billericay (Mr. Baron) will forgive me if I do not go too far down the European treaty road, because I vaguely recall that in the main Chamber we have spent a few hours debating that issue; indeed, we debated the energy aspects only the other day. However, I will say something about market liberalisation. I do not think that he is a supporter of the European treaty, but at one stage he almost seemed to be calling for more European powers to override national policies when it comes to energy nationalism. I am not sure whether that is a new Conservative party policy.

[Malcolm Wicks]

We are all concerned about rising energy costs, particularly as they affect vulnerable people such as the frail elderly and poorer families with children. It is important that we are as clear as we can be about the evidence base, and the hon. Member for Twickenham was very measured in his introduction. Wholesale price rises in the past year have hit hard. Wholesale gas forward prices—the prices that our supply companies have themselves to pay—have increased by 50 per cent. for gas and 85 per cent. for coal since January 2007, so in just a year there has been a dramatic increase in wholesale prices. I am advised that wholesale prices tend to make up about 50 and 45 per cent. of retail prices for domestic gas and electricity customers respectively. Wholesale prices make up roughly 70 and 90 per cent. of prices for average-sized industrial gas and electricity consumers. UK gas prices are of course linked to continental prices because of interconnectors—increasingly so, because of the importance of liquefied natural gas, the price of which is strongly influenced by the price of oil. Fossil fuel prices have been on an upward trend in the past 12 months, pushed by global supply and demand pressures, which we all understand.

The European Commission's third package of legislation on the internal market and action by the EU competition authorities aim to develop transparent, better- functioning EU gas markets. In response in particular to the hon. Member for Billericay, but also to the hon. Member for Twickenham, we can proudly say that the UK has been in the lead of the charge for greater market liberalisation in Europe. That is central to the concept of the single market. We are working hard on the matter and I am pleased that Commissioners are now taking it very seriously.

I shall not say too much about the emissions trading scheme but, in response to the hon. Member for Billericay, we will see far higher rates in phase 3 of the scheme—very high rates—of auctioning of the allowances. We back that as a policy.

Mr. Baron: I accept that the Government have tried to make the case in Europe for a more liberal market. The problem is that they are not having much effect. When we look at the merger in which the French Government will keep a 35 to 40 per cent. stake, we will see that economic nationalism seems to be on the march on the continent. What more will the Minister do to try to get the French Government to change their mind?

Malcolm Wicks: We continue to push for that in the Energy Council of Ministers, of which I am a member, and we work closely with the Commission. The Commission's action on competition was significant—it launched dawn raids some while ago on the offices of major European energy companies. We are very much engaged in that process.

We are not alone in having to pay more for our energy, but our domestic gas prices are still significantly lower than domestic prices in France or Germany. For more than a decade, our market has consistently delivered lower prices to UK domestic customers than the vast majority of other EU countries. I am conscious that that will bring no comfort to some of the vulnerable people in this country who are having to pay higher bills, but European comparisons are important. Even following the latest price increases, there will be opportunities for customers to save by switching suppliers. I shall say more about that because I am not far from the analysis of the hon. Member for Twickenham on switching.

Alongside the great increase in wholesale prices, which is down to global factors such as the great demand for energy in China and India and so on, our environmental policies—we all support tackling climate change and global warming—are pushing up prices quite considerably. We need to understand that we will not save the planet on the cheap—such things are expensive. Our policies to protect the environment, be that through the EU's emissions trading scheme, the new carbon emissions reduction target, which is the successor to the energy efficiency commitment, and our renewables obligation which, as the hon. Member for Twickenham reminded us, will be worth £1 billion in investment by 2010, inevitably have an impact on price. The cost of CERT, which funds installation of energy efficiency measures in households to save energy and to reduce carbon emissions, particularly lower-income households, has doubled on both gas and electricity. We estimate that the combined impact of the renewables obligation, CERT and the EU ETS counts for about 16 per cent. of annual electricity bills, which is a significant amount. In an estimated average bill, those costs will be a total of £60 for electricity and £19 for gas, and they will rise as we pursue our climate change policies.

Contrary to what the hon. Member for Billericay said, we are committed to smart meters. There is a debate about whether the clip-on devices are helpful for energy inefficiency—they probably are—but we are committed to driving forward the development of smart meters. That is not inexpensive, but we think that it is important for a variety of reasons, about which we will say more in the weeks to come.

Ofgem's primary role is to promote competition in the interests of gas and electricity customers. I have no doubt that if Ofgem was to see evidence of anti-competitive behaviour, it would not hesitate to investigate formally—it has a record of doing so. Ofgem states that ongoing market surveillance shows that the market remains competitive, and its June 2007 domestic retail market report showed vigorous price competition between the six major suppliers. I always urge Energywatch and other critics to put the evidence to Ofgem so that it can remain ever vigilant. The hon. Member for Twickenham cited an interesting study that I shall look at further.

Is the market competitive? According to independent research—the latest figures from Oxera—the UK's energy market remains the most competitive in the EU and G7. We need our commitment to open and transparent markets to be replicated throughout the rest of Europe. Suppliers face similar costs when procuring energy wholesale. When those costs change, they face similar pressures on their margins. Despite the popular rhetoric, there is much evidence to show that we have a competitive market.

I listened carefully to the opening of the debate by the hon. Member for Twickenham and found myself agreeing with him on two issues, so much so that I realised that I had said similar things to the Business, Enterprise and Regulatory Reform Committee when I appeared before it last week. First, it is important not

simply to say that we have competition, but to look critically at that. In particular, we need to ensure that the conditions in our market do not prevent new entrants or new approaches that may emerge as we progress to a lower-carbon future. I am thinking particularly about the growing interest in local energy systems, combined heat and power, and the often small-scale development of renewables. We must ensure that smaller companies do not find unnecessary barriers to market entry. I do not know whether that happens, but it has been suggested, and I shall discuss it further with Ofgem. If we believe in markets and competition, we must ensure that they look like markets, rather than like oligopolies, as my hon. Friend the Member for Selby said. I am sensitive to that.

The second matter on which I agree with the hon. Member for Twickenham is switching. We must ensure that switching works for all customers, but particularly for the vulnerable. If switching becomes the preserve of an IT generation and is not relevant to many of our vulnerable constituents, it will be worthless. I have raised that matter with Ofgem and the companies and I shall pursue it further.

The Government have made progress through the years and decades on fuel poverty. The figures for excess winter mortality rates are shocking, and they continue to be so, but, when we look at the long-term trend, thankfully, as a result of rising affluence, more jobs, improved housing, energy efficiency schemes, pension credits and winter fuel payments, we see that the Government have been moving in the right direction on the fuel poverty indicator—spending 10 per cent. of income on energy is our definition of fuel poverty. We have made progress for all those reasons. I am proud of that progress. The Government have spent some £20 billion on energy-related measures, including the winter fuel payment, but I recognise that we are being knocked off course by rising energy costs.

Mr. Baron: Will the Minister explain why the Government have apparently cut funding for the Warm Front scheme?

Malcolm Wicks: The hon. Gentleman needs to look at the funding of Warm Front, which is the public spending programme administered by the Department for Environment, Food and Rural Affairs, alongside the successor to the energy efficiency commitment—CERT. When he does so, he will see that more money will be spent in the next three years on vulnerable people and energy efficiency than has been spent in the past. Social tariffs can play a role, and I have met the energy companies to urge them to do more on those. They have increased the amount that they spend on social tariffs, but I met the bosses of the energy supply companies only last week to urge them to do more.

I am not complacent. I am proud of what we have done as a society. I am worried about the current situation, and we need to redouble our efforts. The debate obtained by the hon. Member for Twickenham has helped us to focus on some of the critical questions.

Post Office Closures (York)

12.30 pm

Hugh Bayley (City of York) (Lab): I shall be making some pretty blunt criticisms of how the Post Office has consulted the public and stakeholders over its proposals to close four more branches in York. The Minister for Employment Relations and Postal Affairs cannot be here because he has been called to give evidence to a Select Committee, but I believe that he should rein in the Post Office, requiring it to rerun the consultation in York in a meaningful way and adopt a better approach when consulting in other areas. If he does so, it will show that the Government are in charge of the Post Office, but at the moment the Post Office appears to be a law unto itself.

The Post Office has won approval from the European Commission for a further £1.7 billion of public subsidy to keep branches open. I welcome that. I am glad that the Government supported that. That is a lot of money, and Post Office managers should be accountable to Parliament for how it is spent. The Post Office should be accountable through the Minister, and the Minister needs to set reasonable reporting requirements for the Post Office.

At the heart of the Government's case that further post offices closures are sadly inevitable, despite the public subsidy, is the claim that they currently serve 4 million fewer customers each week than they did two years ago. I presume that the Post Office has figures for customer usage now and then on which that statement was based. I therefore tabled a parliamentary question in November, shortly before the York closure consultation started, asking the Minister how many customers the Post Office had in York in each of the past five years. My hon. Friend said that he had asked Alan Cook, the managing director of Post Office Ltd, to reply. Despite many reminders to Post Office officials, he still has not done so.

I do not object to a Minister delegating the answering of parliamentary questions about operational matters to the Post Office provided that he ensures that it does what it is told to do and answers a question asked by a Member of Parliament. When the Post Office fails to reply, it appears to me and to the public to be out of control and contemptuous of Parliament.

The Minister with responsibility for the Post Office may think that he is on a hiding to nothing with post office closures and that closures will always be opposed whatever he does. My advice to him is to require the Post Office, as a matter of routine, to ensure that every consultation document on closure indicates how many fewer transactions in each town, city and rural area covered by the consultation there are compared with the number at the time of the last round of closures.

The public are not stupid. For example, if Post Office in York had lost 10 per cent. of its customers over the last three years, it would not be unreasonable for it to reduce its counter space in York by 10 per cent. However, despite being asked parliamentary questions, and being asked subsequently on many occasions to provide information about the decline of usage—if, indeed, there has been a decline—the Post Office has failed to do so. It simply has no basis for closing post office branches in York.

[Hugh Bayley]

I am sure that the Under-Secretary will have seen my submission to the Business, Enterprise and Regulatory Reform Select Committee about the Post Office's closure process, but I would like to go through the recommendations that I made in my submission. I believe that the approach to consultation currently being used by the Post Office, is deeply flawed, and that it is designed simply to enable it to jump the hurdles and to achieve closures without the appropriate public scrutiny.

I made nine recommendations to the Select Committee. First, local area consultation documents should state what change of usage in post office branches there has been in a particular area, and what change in post office capacity is being proposed. I also recommended that the Minister with responsibility for the Post Office should closely monitor the answers to parliamentary questions that are passed to the Post Office for reply, and that if the Post Office does not provide a reasonable and full answer to the Member, it should be told to provide more detail. It is not good enough simply to say that it is an operational matter and not something that should come before Parliament.

There were many factual inaccuracies and a lack of local knowledge in the consultation document that covered the York closures and closures elsewhere in north and east Yorkshire. For instance, it stated that there were 71 post office branches in York. I went through that with the Post Office, and it eventually agreed that there are currently 34.

One of the branches scheduled for closure in York, Micklegate, was designated as a receiving branch for two other post office branches—the Bishopthorpe road and Albemarle road branches—that had been closed three years ago. That was not mentioned in the document. Post Office officials—I pay tribute to them for this—came to a public meeting in York to tell people about the proposals, but they were entirely unaware that a branch that was proposed for closure was designated as a branch that should receive customers from other branches that were closed three years earlier.

It was felt that the customers of one branch that was to be closed, which was almost next door to a small branch of HSBC, could use the bank for services, but officials were unaware that HSBC was about to close that branch. They were unaware of a series of major housing developments in York near other branches that were proposed for closure. No account had been taken of winter flooding. Only last week, we had massive flooding in York, and some of the pedestrian routes that the Post Offices suggested could be used by members of the public to reach other post offices if certain branches were to be closed went through areas that flood in winter. Even when they are not knee-deep in water, they are too boggy and muddy, and too dark and dangerous for people, especially older people, to use.

I propose that Post Office Ltd submit its draft local area consultation documents and closure proposals to local authorities in each of the areas affected before they are published to avoid omissions and factual inaccuracies.

I was concerned to find that the branches scheduled for closure in York ran out of the letters provided by the Post Office to inform customers of how to complain. To ensure a reasonable supply of those letters, I had to phone the Post Office. If the Post Office wants a genuine consultation, it needs to tell its customers how to express their views. The fact that it produced a wholly inadequate number of letters informing the public of how do to that is an indication that it was not serious about consulting the public.

One of my constituents went through the list of local community bodies in York, including residents associations, tenants associations, disability groups and transport groups, that the council routinely consults when it proposes a change in facilities or policies. He checked with as many of those bodies as he could and found that only two of them had been consulted by the Post Office as key stakeholders. Again, if the Post Office wants to know what is going on and what the impact of any change will be in a community, it has to consult in a proper and serious way.

After reading the consultation document that the Post Office issued, it is not at all clear to me whether the closure plans that the Post Office is proposing will comply with the Government's minimum access requirements for post offices. That should be set out very clearly. The Government require a certain percentage of the population, 95 per cent., to be within, I think, one mile of a post office branch in an urban area or within three miles in a rural area. The Post Office needs to work out what proportion of the public are that close to a post office branch, currently and in the future. If it cannot produce those figures, it cannot be sure that it is complying with the Government's minimum access requirements.

I am sceptical about the excuse that is used by the Post Office, namely that it is unable to release information about post office branch usage because that information is commercial and confidential. The Post Office is not a private, commercial business; it is a public sector body that receives massive taxpayer subsidy and it needs to be accountable to Parliament. Even if there are commercial reasons why the Post Office does not wish to release information about the usage of a single branch, there is absolutely no reason why it cannot issue information about the usage across branches grouped together—10, 20 or 30 branches—in a particular town or city.

The only argument that has been made to me about why the Post Office would not release information about the number of customers at a particular branch is that that information might affect the proprietor, the sub-postmaster or sub-postmistress, if they wanted to sell their business. Well, if a man or woman wants to sell his or her business, they would have to release to each and every potential buyer precisely that information, so it would cause no difficulty to the business if that information were in the public domain.

I recommend that these Post Office consultation documents reveal, at the very least, the average number of transactions per branch in each urban area and in each rural area, and indicate any branch proposed for closure that carries out more than the average number of transactions. The Post Office should also have to meet a higher burden of proof to make the case for closing a branch that is busier than most of the branches in a particular town or city.

One of the branches that is proposed for closure in York has almost 2,000 customers a week and is the fourth busiest post office in York, while another branch proposed for closure is the 13th busiest. However, of

two other branches that are being maintained in York—with, I imagine, a huge public subsidy—one has just 13 transactions a week, or two customers a day, and the other just 26 transactions a week, or four customers a day. Would it not make more sense to use taxpayers' money to protect a branch with 400 customers a day than one with just two?

Of course, the reason that some branches with very low numbers of customers are protected is the Government's rural access criteria. The branches in York that I have just mentioned—the two that will not be closed—are not, of course, rural branches in the Yorkshire wolds or dales, far away from any market town, but branches within about three miles of York city centre. Nevertheless, they are protected under the access criteria. The Government need to consider a de minimis rule that would allow the minimum access criteria for rural areas to be set aside for branches that serve a very low number of customers, say fewer than five customers a day. The point of the access criteria is to protect a service for members of the public in rural areas, but if it is a service that nobody uses, or one that only two people a day use, maintaining it cannot be a good use of public money and the access criteria need to be amended.

I put a final question to the Minister. When the last round of post office closures happened in York, Postwatch made an extremely strong argument against closing one of the six branches that had been proposed for closure, the Bishopthorpe Road branch in a secondary shopping centre in York. Postwatch asked the Post Office to think again about that closure. Nevertheless, the Post Office went ahead with it. Had the Post Office kept that busy branch open, there might have been a case for closing the busy branch near to it, Micklegate branch, which was a receiving branch and which is scheduled for closure now. However, the Post Office did not listen to Postwatch at that time and consequently it has got itself into a real mess.

Of course, Postwatch is disappearing. Nevertheless, I believe that the closure criteria for post offices need to provide for a higher burden of proof for the closure of busy post offices. If the Post Office says that the fourth busiest post office in York is not commercially viable while another post office in York with only a two hundredth of the number of customers a day is considered commercially viable, there is something seriously wrong with the way that the Post Office determines commercial viability and it needs to change the criteria that it uses.

I say to my hon. Friend the Minister, who is replying on behalf of the Minister for Employment Relations and Postal Affairs, that our hon. Friend's conduct as a Minister will be judged by whether he makes the Post Office deal with the public in an effective and respectful way regarding these closures. I do not believe that the Post Office has done that in York; it is entirely wrong and it should change.

I entirely understand that the Minister for Employment Relations and Postal Affairs was unable to attend this debate because he had to go to the Select Committee, but I hope that I may be able to take up with him some of my concerns in a face-to-face meeting at a later date.

12.48 pm

The Parliamentary Under-Secretary of State for Business, Enterprise and Regulatory Reform (Mr. Gareth Thomas): I congratulate my hon. Friend the Member for City of York (Hugh Bayley), in the usual way, on securing this debate on post office closures in his constituency. I also recognise the commitment that he has shown in pursuing his constituents' concerns, both in his presentation to the Select Committee that is examining post office closures and in the way that he has presented those concerns today.

My hon. Friend is right that the Minister for Employment Relations and Postal Affairs is appearing before the Select Committee that is discussing post office closures. He made a series of points and directly asked for a face-to-face meeting with our hon. Friend. Of course, I will bring those detailed comments and that request to his attention.

In the time available, let me try to establish some of the context for the decisions that have been taken thus far on the closure proposals in the city of York. My hon. Friend will be aware, as other hon. Members will be, that the decline in customer numbers, the increasing losses in the Post Office network and the changes in people's lifestyle, including changes in the way that they access services and information, have led the Government and indeed Post Office Ltd, after consultation, to take some difficult decisions.

In brief, it was decided that there would be 2,500 post office closures, that sub-postmasters leaving the network as part of the programme would receive compensation, that there would be 500 new outreach services to mitigate the effect of closures and that there would be new access criteria to ensure reasonable access to post office services.

As my hon. Friend made clear, the Government will invest £1.7 billion in the network on behalf of the taxpayer up until 2011. That includes an annual subsidy of £150 million to keep open post office branches that could not otherwise be sustained.

We estimate that about 4,000 post offices are currently commercially viable with no subsidy, with perhaps a number more on the margins. The Government do not take the view that the Post Office is purely a commercial service, which is why we have committed such a large public subsidy and why we are working with Post Office Ltd to maintain a national network that offers genuinely national coverage and is underpinned by access criteria.

As hon. Members will be aware, Post Office Ltd has been losing money for some years and lost approximately £3.5 million a week last year. Four million fewer people now visit post offices every week than they did just two years ago. In urban areas, 1,000 sub-post offices are competing for business with at least six other post offices within a mile of them, and that at a time when the number of customers is falling.

Hugh Bayley: If the core of the Government's argument is that fewer people are using the Post Office and that fewer post office counter spaces are therefore necessary, would it not make sense for the Government to publish that information on a town-by-town basis when they go out to consult? That would make the case for why reductions were necessary, and the debate would then be about which post offices it would be most appropriate to remove if there was a reduction in demand for post office counters.

Mr. Thomas: If time allows, I shall explain the process that has led the Government to take their decisions. My hon. Friend will know that there was a consultation process on the overall issues facing the post office

[Mr. Thomas]

network and that we are now moving on to the detailed implementation of the decisions that were taken.

Before I come to those specific points, however, let me add by way of context that the Post Office is also being challenged by significant changes in people's lifestyles. Eight out of 10 pensioners, for example, have their pension paid into a bank account. Last year, 500,000 people a month renewed their car tax online, and we estimate that about 1 million people a month will do so this year. Other changes, such as direct debit and competition in the bill payment market, have also affected the number of people using post offices. In addition, it is cheaper to pay a benefit or pension into a bank account than to pay them into a Post Office card account or use a girocheque.

Let me now move on to how the network change programme is being managed, which my hon. Friend raised in his intervention. The Government announced in May that the Post Office would be drawing up 47 area plans based on groupings of parliamentary constituencies to identify post offices for closure. In drawing up those plans, Post Office Ltd must take into account a number of factors, including local demographics and the age profile of communities in the areas affected, the impact on local economies, the availability of public transport, access issues in respect of proposed office closures and the nearest alternative branches.

As I said, the Government undertook a 12-week national public consultation before finalising the broad forward strategy for the network. That consultation confirmed the principle of the need for changes and the broad extent of their scale and distribution. The Government do not play a specific role in proposals or decisions for individual post offices. Such decisions are made by Post Office Ltd in light of the responses to consultation and are subject to a four-stage appeals process involving Postwatch.

Mr. John Grogan (Selby) (Lab): I represent the southern part of the city of York. One of the post offices under threat is Fulford post office, whose owner offered to pay the Post Office a sum equivalent to whatever savings it would make by closing that post office. I raised the issue in a meeting with the Prime Minister in Downing street earlier this month, and he said that such proposals should be considered. I wrote to the Minister for Employment Relations and Postal Affairs asking for his views on whether proposals from businesses, or perhaps councils, to subsidise post offices could be considered. I simply ask the Minister to prompt his hon. Friend for a reply.

Mr. Thomas: I shall of course bring that point to my colleague's attention and ensure that my hon. Friend receives a reply.

Post Office Ltd wrote to Members of Parliament in July about how the local consultation process would work and how they would be involved. Post Office Ltd and the Government have made it clear from the outset that the size of the network would have to be reduced. Local consultations, which are taking place now, are about how, not whether, that will be done.

Post Office Ltd has been seeking input from Postwatch and sub-postmasters, as well as local authorities on occasion, in developing its area plan proposals before it goes out to public consultation. There will then be a six-week consultation period about the local plan proposals before Post Office Ltd makes its final decisions.

Local views are having an impact on the way the programme is being implemented. For example, I understand from Post Office Ltd that an average of 10 per cent. of its original closure proposals have been changed following input by local authorities and other stakeholders during the planning stage—that is, before formal public consultation. In addition, Post Office Ltd has reversed its original proposals in some cases as a result of the six-week local consultations.

According to local circumstances, Post Office Ltd may decide not to seek an alternative closure or may propose an outreach service, rather than the original outright closure proposal. Where an alternative closure proposal is made, however, Post Office Ltd will hold a further six-week local consultation on the new proposal, and there will be no more than one such additional set of proposals in the area covered by each plan.

There are two factors to take into account when assessing the profitability of a particular post office, and hon. Members may want to be aware of them. First, we must consider the business done in a post office and the level of payment from Post Office Ltd directly to that branch. Secondly, we must consider the cost of the central support from Post Office Ltd that is attributable to a branch. On that basis, three out of four post offices cost Post Office Ltd money to keep open.

To restructure the network in a balanced way and meet the access criteria, some busy post offices that nevertheless make losses for Post Office Ltd and which have alternative branches nearby will have to be closed. That perhaps helps to explain some of the difficulties that my hon. Friend the Member for City of York highlighted with the proposals for post office closures in his constituency.

Post Office Ltd has confirmed that the average saving for the Post Office from closing a branch is about £18,000 per annum. On request, it is prepared to share an estimate of the total individual branch saving with the relevant Member of Parliament on a confidential basis.

My hon. Friend made a series of points, which I shall bring to the attention of the Minister for Employment Relations and Postal Affairs. I shall also bring to his attention the request that my hon. Friend the Member for Selby (Mr. Grogan) made for a reply. I hope, however, that I have helped to set out some of the context for the decisions on post office closures in the constituency of my hon. Friend the Member for City of York.

Flood Defences (South-West)

1 pm

Mr. Ian Liddell-Grainger (Bridgwater) (Con): I feel almost a fraud standing up again before the Chamber to discuss the chances of flooding, but in Somerset we know flooding better than most, I am also delighted that my right hon. Friend the Member for West Dorset (Mr. Letwin) is here to represent Dorset amply—

The Minister for the Environment (Mr. Phil Woolas): Amply?

Mr. Liddell-Grainger: Yes, we are ample. It means that we float if the water gets too high.

Some 44 square miles of my county are well below sea level. Ever since Roman times, Somerset people have battled with the raging tides: we have dug ditches, erected earthworks and put in sluice gates. To put it crudely, we have slugged it out with mother nature for 1,000 years. The first ever steam-driven water-scoop wheels were tried in Somerset, in Middlezoy and Othery, by the western Zoyland drainage board, which built a very impressive pumping station, in 1830, which is still going and doing the same job, believe it or not.

As the Minister is well aware, in Victorian times—not even I was there, but perhaps my illustrious predecessor, Lord King, was—drainage boards were seen as the answer to local flooding problems. They were linked to councils in the area, but it turned out that they had insufficient funds for national foresight to tackle the problem, although, as the Minister will know, drainage boards are having a slight resurgence simply because of the amount that needs to be done.

I dare hark back to Julius Caesar. Fighting against flooding has been met with a drip feed of failure as waters have risen relentlessly. I did not request this debate to criticise the national body responsible for protecting us—the Environment Agency. I have no qualms about the fact that it does its best. It has an impressive and dedicated team in Somerset, headed by Nick Gubta, whom I cannot fault. It does a very good job and I hope that the same applies in Dorset. It is a huge organisation paid for by the Government, but it is not actually answerable to anyone other than the Minister and there is always the danger that its efforts might be overlooked or wasted, which was proved, as all hon. Members must accept, by last year's floods. As the water closed around Tewkesbury cathedral—we have all seen the photographs—and as helicopters plucked stranded people from roofs, it became obvious that, rather like poor old Julius Caesar, the Environment Agency had been caught with its wellies down.

The weather is unpredictable. When the floods receded in the summer, the Government asked the south-west strategic health authority chief, Sir Michael Pitt, to conduct a review and make recommendations. His interim findings were published just before Christmas, when unfortunately people had their minds on turkeys and Santa, not particularly on flooding. Unfortunately, the impact was lost. However, it is worth repeating a couple of Sir Michael's recommendations. He said that the Environment Agency should do far more work monitoring ground water levels and identifying areas of special risk, and develop a policy to use temporary water barriers. Furthermore, he said that there has to be a proper national plan, which at the moment there is not, as we are all aware. The implication contained in every one of his 15 recommendations is simple: there is a heck of a lot to be done by an agency that, I am afraid, does not have the lolly to do it.

So much of all political debates boils down to hard cash. The Minister will no doubt regale us with the rising generosity of Her Majesty's Government. If he adds up both central and local government spending, he could probably claim that spending on flood defences has risen by 40 per cent.

Mr. Woolas: A bit more than that.

Mr. Liddell-Grainger: Whoopee! Great! However, while the Government congratulate themselves on splashing out, the agency itself is splashing around trying to cope—and facing cutbacks. In the financial year ending April 2007, roughly £15 million was trimmed from its flood risk management budget. That cannot be good. The agency may seem to be getting more money but it is expected to do an awful lot more and to take more responsibility for flooding.

The sums just do not add up. For example, the agency was planning a costly flood defence improvement scheme for parts of my constituency and for high-risk areas all the way up the Bristol channel from the Parrett, including the seats of my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) and of my hon. Friend the Member for Weston-super-Mare (John Penrose), who could not make it today. The agency allocated £25 million for the project, which was scheduled for completion next year, but then a big slice of the work was put on hold, the official explanation for which reads:

> "The Agency at a national level has decided to delay the works until the outcome of the Severn Estuary Strategy. This needs to be completed before local schemes can be implemented. We are doing our best to make the works go ahead and our commitment is still there to protect residents. But we do not know when the Severn Estuary Strategy will be completed."

Well of course not—nobody does, not even the Minister.

I shall provide the Minister with a couple of poignant examples from my area. The cliff next to a hotel run by Mr. Simon Storm, a constituent of mine, from just outside Minehead, has given way—the baskets on top of the 15 ft of concrete were swept away in last year's storms. I have written to the Environment Agency, the local district council, the county council and Natural England, but the buck has been passed round and round. All he wants is the existing armour to be rebuilt. That is all; but we cannot get a decision from anybody.

The Severn estuary strategy is not a strategy at all, but a device to allow anyone with the faintest interest in what happens to the Severn estuary to waste inordinate amounts of time and public money talking about it. It has become a waffle shop standing in the way of essential flood prevention. That goes all the way down the Parrett from Dorset, through Langport, to us. I confess that I am getting worried about the growing weight of waffle and the lack of action—there is more talk and less work.

Mr. Oliver Letwin (West Dorset) (Con): Another problem is that sometimes the action is counter-productive. In my constituency, the Environment Agency has just designed a plan to alleviate flooding in one village, Charminster, but managed to produce a result that no one else has ever produced in that village—total unity

[Mr. Oliver Letwin]

among its people. They are united in their opposition to this scheme, for which I and they petitioned for many years, because it was not designed with local people. Does my hon. Friend agree that it would be helpful if, in addition to taking forward big programmes, the agency could liaise more closely with local people to ensure that its schemes work?

Mr. Liddell-Grainger: My right hon. Friend is absolutely right. That is the point I am making to the Minister. It is not done in the right way and money is either moved or abused. As my right hon. Friend says, it cannot be right that a scheme is just put in place. I know that feeling: getting villages in flood plains to agree is almost impossible. So to get them united against a flood scheme is almost unique. I hope that the Minister takes that point on board.

Is the Minister aware of the forthcoming Somerset flood fairs? Maybe my right hon. Friend has similar fairs in Dorset. They are not a celebration of getting soaked, although it sounds rather like that, but genuine events organised by those worthy masters of meaningless waffle—Somerset county council—dare I say it.

I quote from my invitation:

"The Flooding Fairs form part of a continuing programme of warning and informing, encouraging resilience and community leadership".

My right hon. Friend knows that that is how to bring villages together. And what is more they get a free lunch—water included.

The whole thing is being organised for parish councillors so that they can "view exhibits"—as it says in the blurb—which means that entrepreneurs eager to sell inflatable boats, sandbags, mops, buckets and wind-up torches will also be present and ready to extract your money. I am not joking. I have no doubt that some people will find such events useful—good for them, but maybe they ought to get out more. We have known since Caesar that there is a problem, but they have only just worked it out. Most of us, especially in Somerset, know that flood fairs are a waste of money—another example of village unity. We are aware of the dangers of floodwater and climate change, but the poor old over-worked Environment Agency is being dragged along to give briefings, when it has better things to do with its time.

Meanwhile, another bunch of publicly funded wafflers are also hard at it conducting yet another pointless consultation exercise. I shall give the Minister the background to this one. From Hartland Point—in the constituency of my hon. and learned Friend the Member for Torridge and West Devon (Mr. Cox)—on the north coast of Devon, through my constituency, to Weston-super-Mare, the men with clipboards and sharpened pencils will soon be coming our way to seek our views on flooding. Who is paying for it? Neddy Scag, that is who. Neddy Scag is actually the North Devon and Somerset Coastal Authorities Group, or NDASCAG for short—a tongue twister if ever I came across one. It is, believe it or not, one of 17 voluntary regional coastal defence groups covering the English and Welsh coastlines. I have no problem with that, but they are all engaged in drawing up flood maps and flood plans, and I thought that that was the Environment Agency's job. Together, the collection includes representatives of 105 maritime district councils, English Nature, the Department for the Environment, Food and Rural Affairs, the National Assembly for Wales and the already overworked and under-funded Environment Agency. All the chairmen of those unnecessary talking shops get together at yet another waffly forum, the Coastal Defence Forum. Why do we need it? We know the problem. I hope that hon. Members, if they care to, will ask questions of the Minister outside this place to find out what is happening in their constituencies.

Anyway, back to Neddy Scag. The group is headed by my great friend and admirer, Humphrey Temperley, whom I have had occasion to mention more than once in this place before. He has made a career out of flooding. If ever he should sit in another place, Baron H_2O would be a suitable title. Humphrey is wet—irredeemably wet. He gurgles when he speaks and squelches when he walks, and he is still chair of the Wessex Regional Flood Defence Committee, or "Werfduck" for short. For that role alone, he rakes in £20,000 a year—"nice work if you can get it," as Temperley would say.

Mr. Temperley's philosophy is to immerse himself in waffle. We have a cruel rhyme down in my constituency, which goes, "Humphrey couldn't get his bum free," because Mr. T. relishes sit-down meetings. He used to be a county councillor, but having been kicked out of Somerset county council, he has moved across the border on to Devon county council, where he gets another bung. He also chairs the Corporate Forum for National Parks, the Exmoor Consultative Forum, the England Forestry Forum, and the regional development agency's rural policy group. He is a quango man to his socks—and wellies.

I shall refer to Mr. Temperley's website, because the tireless waffler has even bigger ambitions. He now wants to be—hold your breath, you'll need a snorkel for this one—a Liberal Democrat Member of the European Parliament. The water rises, the plot thickens and the mud goes down the wellies. Apparently, he is very good in 25 different languages, or as they say in Bideford where he lives, "Merde".

Much of that waffling does not concern me; "I'm not bovvered." If Humphrey wants to waffle, let him waffle; if he wants to bully, let him bully. But why do we have to pay for another consultation when we know the answer, the Minister knows the answer and the Environment Agency knows the answer? Give us a break and let us get on with the job, because when it comes to flooding, I simply cannot see the point of having so many groups. Why do people like Humphrey want the groups? Why are they so terrified about making decisions that they have to consult on everything?

Sir Michael Pitt's interim report is out for consultation, and it has encouraged people like Mr. Temperley to do more surveys, but they all cost money and do not tell us anything we do not know. Julius Caesar could have told us. They just waste the time of the Environment Agency, which is where the flooding buck really stops. Sir Michael Pitt, the National Audit Office and the insurance industry have all come to the same grim conclusion: we need a joined-up national plan. I plead for sanity—no more, no less. More cash for the agency would be nice, and less waffle from factions far and wide would be better.

Floods will happen, we know that, and we cannot change climate change. But we can mount a defence. We can make the decisions now without the paperwork, waffle and, dare I say it, inconsistencies. We cannot soak up the floods with waste reports from bodies that keep duplicating research. Ultimately, the decisions that we should make on behalf of our constituents and the nation will not be made, because the paperwork is causing the haemorrhage in the first place.

1.14 pm

The Minister for the Environment (Mr. Phil Woolas): Miss Begg, it is a pleasure to serve under your chairmanship in this debate about flooding, and I congratulate the hon. Member for Bridgwater (Mr. Liddell-Grainger) on securing it. I have always found him to be a Member who raises such points on behalf of his constituents in a non-partisan way, and today, he has made some valid points. I shall try to answer his questions, and I shall agree where I agree, and disagree where I disagree. If he wants to discuss specifically the issues that Mr. Storm, the hotelier from Minehead, raised, and if I can cut through the waffle, to use the hon. Gentleman's words, for the right hon. Member for West Dorset (Mr. Letwin), who represents the village of Charminster, I shall do so. The hotel trade in that part of the country is very important, and the hon. Member for Bridgwater raised not a trivial but a very important matter.

I respect the hon. Gentleman's knowledge of the issue. I know from my dealings in this job over the past few months that he is intimately involved in such issues, and as he rightly said, the geography of his constituency has coped with them for many hundreds of years. He also recognised and made the point that I want to make: climate change will make matters worse, even if we secure the international agreements that we, all of us, want. From the damage that has already been done, we know that the situation will get worse, and we must never forget that. However, we are discussing adaptation, and I thank the hon. Gentleman for his praise of the Environment Agency staff on their behalf. It is an agency, not a Department, and its staff do not often have a voice, so I am grateful on their behalf to hear his words.

Sir Michael Pitt's interim report, which was published before Christmas, did not get as much attention as I anticipated and hoped. Sir Michael is one of the country's best people in that field. His experience as a civil engineer and in dealing with politicians is, if not unsurpassed, certainly up there with the best, and I thank the hon. Gentleman for his remarks on that subject, too.

We have debated previously the £15 million flood-risk management budget cut. My only defence is that it was a revenue cut, not a capital cut, but it is of course a serious issue. It resulted from financial pressures on the Department owing to animal welfare problems, and I can with confidence say that the revenue and capital budgets for the Environment Agency are being increased, although I shall not crow about it, because the difficult question for me, or indeed anybody in my position, is how much is enough.

The hon. Gentleman raised the issue of Mr. Temperley. I do not wish to bring party politics into the debate, but the hon. Gentleman did not tell us which party Mr. Temperley had represented at county level. Does the hon. Gentleman wish to enlighten us?

Mr. Liddell-Grainger: I believe that he is a Liberal Democrat. However, he is in Devon; he is not a Somerset county councillor.

Mr. Woolas: I thank the hon. Gentleman for clarifying that point. His central question, which he asked with some frustration, was, "Can we please have a joined-up national plan?" The answer is a resounding yes. That plan is my precise objective, and I shall briefly outline its context.

We face increasing numbers of flood situations. Most recently, two weeks ago, the actual flooding was less than we had feared, but it was a very serious situation, with about 15 severe warnings in place. The defences worked, and all of us were pleased, not least hon. Members representing constituents who were most affected. To be flooded once is dreadful, but to be flooded twice, or repeatedly, must be awful, and I have visited many people who have suffered in that way. The tidal surge on the east coast in November 2007 was, again, not as bad as feared, but had it over-topped the defences, it would have been very serious. It was not a lucky escape, because the defences held, but the situation caused great concern.

What changes are we putting in place to improve the management of flood risk, including reducing the risk of flooding; increasing the preparedness of communities, business and areas; and improving warning systems, and emergency responses should the worst occur? The strategy was put in place before last summer's events—I am not crowing about that, because my immediate reaction to the Pitt interim review was to accept all 15 recommendations. I think that the official Opposition and the hon. Gentleman supported that approach. We had previously published our cross-Government strategy, "Making Space for Water", and we now have the Pitt review.

To answer the hon. Gentleman's question, we will clarify and improve the management of risk nationally by giving the Environment Agency an overview of all forms of flooding. At the moment, coastal flooding and river flooding are its responsibility, and it is important that we bring surface water flooding into that. As the hon. Gentleman knows, flooding is never as simple as just rivers overflowing or surface water flooding; it is a combination of both. As the right hon. Member for West Dorset said in relation to villages in his constituency, the interactions between flood areas are important.

I have announced the detailed form that the Environment Agency's new role will take on the coast, and I am considering the form that it should take inland. As with the coastal overview role, the inland changes will be informed by consultation—but not too much consultation, because I have to get my plan in place. Both inland and on the coast, the Environment Agency will continue to work in partnership with local authorities and the water companies, and with internal drainage boards and other authorities in some areas, as part of its long-term planning and risk management.

Part of the challenge of putting together the national plan is to try to have better prediction of flood risks from surface water. It is a complicated matter and I take the view, which I am sure is shared across the Chamber, that the best is the enemy of the good, but we have our best scientists, including the Met Office, working on maps of flood risks from surface water. We also have

[Mr. Woolas]

15 pilot projects, as one would expect, to help identify improvements in surface water drainage. We shall be making a range of announcements on how to manage surface water drainage in the latest leg of the strategy, which will be published shortly. Some of the questions asked by the hon. Member for Bridgwater will be answered. I cannot predict the local allocation of funding, because it is a matter for the Environment Agency, but I think that he will enjoy his breakfast next week.

In addition, we aim to encourage better resilience and resistance of buildings and emergency infrastructure—a point that hon. Members across the House have made. I see my hon. Friend the Member for Selby (Mr. Grogan) present. He made that point to me when I was in his constituency. We have a £500,000 pilot project with local authorities in six areas, exploring the feasibility of providing some form of financial assistance to households in areas where community defences cannot be justified to make their homes more flood-resilient. As one would expect, we are also working with the insurance industry to consider ways to encourage the public to make greater use of flood resilience.

As I have said, I do not wish to crow about the funding, but we have increased it significantly. The balance between climate change mitigation and adaptation is important, but we have to take decisions to improve flood defences. With the Environment Agency, we have a programme to develop a long-term investment strategy—a national plan that can be put in place over a number of years so that the public and Members know the plan for their areas and can see the timetable for it. I am considering a 20-year timetable overall, but that is not to say that we have to wait 20 years; we are working on it now.

Current spending levels for flooding and coastal erosion are some £600 million, which is double the amount 10 years ago. I pick that time at random and for non-partisan reasons, but it is a fact, and facts are stubborn things. It will increase further to a minimum of £650 million next financial year, £700 million in 2009-10 and £800 million in 2010-11. Before the summer floods, the Association of British Insurers, a much respected body, called for capital expenditure of £750 million. Of course, the question is how much is enough. I cannot look the constituents of the hon. Member for Bridgwater in the eye if they have been flooded and say, "I have spent enough money"—I accept that—but I am responding to his call to ensure that there is a joined-up national plan.

I shall continue properly to appraise and prioritise that public investment of £800 million to ensure that there is maximum benefit. I recognise that the criteria by which the money is allocated is a highly contentious, highly charged political decision, which is why the balance between consultation and waffle, as the hon. Gentleman put it, is important. However, we do have the new criteria.

On the local allocation, the Environment Agency has published indicative allowances. Of course, it has been waiting for the comprehensive spending review, and it is not for me to determine the exact local allocations, but I hope that when the figures are published in the next few days, the hon. Gentleman will be able to return to his constituents with some satisfaction and say that he has pushed the Government in the direction in which he wishes us to go. I am sure that it will not be far enough for him, but I respect the seriousness of the matter that he has raised.

Mr. Liddell-Grainger: As I have said, I welcome everything that the Environment Agency does. I accept that there will never be enough money. The worry is the money that is spent badly, not the money that is spent well. I cannot fault the defence schemes that the Minister and the Government have put in place. They are extremely good and doing what we ask; there are new sluices, new rhines are being dug out and so on. My point is that the Government should not spend money unnecessarily. We know the problem. Do not ask us what the floods are; we know that they are rain and seepage. We know that they are water. We do not need to tell people that. We need a common-sense approach, which I will welcome when the money comes through.

Mr. Woolas: I thank the hon. Gentleman for that serious point. Sometimes the experts are right, sometimes the public are right and normally it is something in between. It is particularly pertinent to the hon. Gentleman's constituency that alongside the flood risk management—the flood defences and the measures that we need to put in place, both concrete and policy-wise—there must be improvements to the quality of river water.

The river basin plans, which I know the hon. Gentleman, as an environmentalist supports—just as a shot at a political point, I would be interested to know whether Mr. Temperley was as concerned about them—must be integrated with the flood defence plans. How to protect the natural environment and how to protect the public and agricultural land from flooding are difficult matters. My approach is to be open and transparent and to have national, joined-up plans for both so that Members of Parliament and the public can scrutinise them and say, "Yes, we can go along with this."

My experience is that local people have a good feel for how flooding works in practice. Remember that I represent Saddleworth, Miss Begg, which is not on a flood plain. At least, if it is, we are all in trouble, particularly those of us in the area also represented by the Under-Secretary of State for Culture, Media and Sport, my hon. Friend the Member for Bradford, South (Mr. Sutcliffe), who is present. Local knowledge of how floods occur is important, and things work best where the Environment Agency and the public work well together.

I thank the hon. Member for Bridgwater for raising the matter on behalf of his constituents. I hope that he can examine the plans and return to us in the weeks and months to come with some confidence, and say that we have in place a joined-up national plan that is to the satisfaction of his constituents.

Free-to-Air Sporting Events

1.29 pm

Mr. John Grogan (Selby) (Lab): On the other side of the Atlantic, the American presidential election candidates are facing their super Tuesday. In my much more modest way, I am having a super Tuesday here. Any day on which the two Bradford City fans of the House are in the same place—I refer to my hon. Friend the Minister and me—is, indeed, a super day. I have managed to contribute to or be mentioned in four out of the five debates in Westminster Hall today, so it is a super Tuesday. Most importantly, it is almost three years to the day since we last had a debate on this subject. My hon. Friend the Member for Loughborough (Mr. Reed), who is present, made a contribution in that debate, as I hope he will today. That debate was in late January 2005.

There were many surprises in the political and sporting worlds in 2005. In the political world, I was slightly surprised to retain my seat in the general election, and famously borrowed champagne from my principal opponent to celebrate my re-election for the local newspaper. Much more importantly, there was the Ashes victory, which was a great surprise to many people. That was the last time that test match cricket appeared live on free-to-air television in our nation.

Let me remind hon. Members of some of the moments of that summer. We lost the first test to Australia. In the second, we had the sight of Flintoff consoling a dejected Lee at the end of the match, which became the image of the summer. The third test was drawn and we won the fourth by three wickets. The fifth test was at the Oval, and the beauty of it was that everyone could watch Channel 4's marvellous coverage. The whole nation seemed to stop on that Monday; London was quiet and people were putting up TVs in schools so that the kids could watch it. People were trying to catch a sight of the telly in their workplaces. Every pensioner up and down the land who on that day had nothing else on, and anyone else who was at home could watch it free whether they were rich or poor. It truly was an event of national significance that we could all celebrate.

What happened afterwards? There was the hangover: the realisation that it would be the last live cricket on our TV screens for some years, because cricket test matches were de-listed in the late 1990s. Despite the belief of Lord MacLaurin and the then Secretary of State for Culture, Media and Sport, now Lord Smith, who were both in important positions at that time, that the England and Wales Cricket Board would still put some live cricket on terrestrial TV, that gentlemen's agreement disappeared and BSkyB got exclusive rights to cricket.

The Select Committee on Culture, Media and Sport wrote a report, in response to which the Government promised a review of listed events, which they later clarified would take place in 2008-09. More and more people began to realise what we had lost. The TV viewing figures went down from more than 8 million watching the Ashes test series to an average of 250,000 to 300,000 on Sky. Australia had to tell us that we had got things wrong. Justin Langer, the great Australian batsman, came to Somerset, which is, incidentally, the county of the chairman who negotiated the TV deal, Giles Clarke. Langer said:

"Maybe I'm getting a bit philosophical but that's a major issue...After the impact of the Ashes I'm amazed that every kid in England isn't able to watch cricket...I have been in this country for four weeks now and I've seen maybe half an hour of cricket on TV".

People realised what they had lost. They realised that the Australians will be able to watch the 2009 Ashes live in Sydney, if they stay up, because all domestic and international matches involving the Australian team are listed, but that we will not be able to watch it live in Bradford or Selby.

Mr. Rob Wilson (Reading, East) (Con): I congratulate the hon. Gentleman on securing this important debate. Will he join me in congratulating the ECB on getting money and funding for grass-roots cricket, mostly from TV money? Does he agree with my personal view that a balance needs to be struck between finance coming into cricket and getting cricket to the widest possible audience on free-to-air TV, so that the next generation can come forward?

Mr. Grogan: The hon. Gentleman makes an important point. It is all about balance. Every other major sport such as golf, rugby union, rugby league and football has that balance. They insist on having some live exposure on free-to-air TV. It is about live rights, is it not? Live matches really quicken the pulse. However, they also sell some of their rights to satellite or subscription TV for money to invest in grass-roots sport. He has made my central point for me: it is all about balance.

I move on to the summer of 2007. There was a big debate in the ECB about whether it had got the issue right. The counties elected the new chairman. It was nine votes all on the first vote, and Mike Soper, who subsequently lost out to Giles Clarke, made the points that the hon. Gentleman just made. He said that cricket might have to give up a small amount of income—perhaps 5 or 10 per cent.—to get wide exposure, but that it would be worth it, as it might also gain from increased sponsorship because of the wider exposure. He narrowly lost out to Giles Clarke.

I have always found Mr. Clarke to be the most amenable of men, but not everyone has said that. Mike Atherton rather criticised him in a profile, but Mr. Clarke was unrepentant. He said:

"I know I was portrayed as a combination of Hitler and Attila the Hun for taking cricket off terrestrial television, but it was the right thing to do. Young sports fans in this day and age have access to Sky TV".

He is perfectly in order to defend his position, but to get Sky this year costs £438. Many children in Bradford, Selby, Loughborough and Reading will not be able to afford that and may not be inspired to take up the game.

Mr. Andy Reed (Loughborough) (Lab/Co-op): I congratulate my hon. Friend on securing the debate. We have been working together on the issue for nine years. He has taken the lead, and I am always grateful to him for raising it. Does he think that cricket will eventually learn from what rugby union went through when it put the Six Nations on to Sky? The viewing figures were almost exactly the same as those he has quoted for cricket. They reduced to 200,000 or 300,000 and rugby union lost sponsorship because the exposure was not there. Rugby as a whole lost out because our English

[Mr. Andy Reed]

rugby heroes, who did not do so well on Saturday, were no longer out there being seen by millions of people. Instead, they were seen by a few hundred thousand. Getting the balance right requires a combination of the two.

Mr. Grogan: My hon. Friend makes an incredibly important point. There are two ways forward. There are rumours that despite the Government's commitment to reviewing the list of events, the ECB is already negotiating its sports rights beyond 2010. I remind hon. Members that cricket is now settled until 2009. The 2009 Ashes series will definitely be exclusive to Sky, but what comes after that is up for debate. If the ECB comes up with another exclusive satellite TV contract without any cricket on live, free-to-air TV, there will be an outcry. I hope that Ministers will make that clear to both the ECB and Sky in private discussions. It would be opportune and prudent of the ECB to wait until after the Government's review of listed events before letting any more contracts. There is plenty of time to do that.

There will be all sorts of debates about what could be added to, or taken from the list. Many cricket supporters realise that the world has moved on, but the Ashes series has national resonance. It meets all the criteria that were listed last time when Lord Gordon, my hon. Friend the Member for Vauxhall (Kate Hoey), Steve Cram and others reviewed the list of events. It is interesting that in making its case for de-listing, in the late 1990s, the ECB said that with televised audiences of cricket averaging only 2 million, it was difficult to argue that test matches command large TV audiences. How wrong it was when the Ashes came along.

Listing the Ashes and, some have suggested, the Lords test, would be one way of compromising. I know that there is great disquiet at the Marylebone cricket club that one of our national games at the national headquarters is no longer seen live on TV. Those are some changes that could be made, but I do not want to concentrate only on cricket, because many other sports are covered by the listed events.

Listed events, particularly coverage of the Scottish football team, are becoming a huge issue in Scotland. You will recall, Miss Begg—whether with pleasure or regret, I do not know—that England lost out to Croatia in the European football championship. Days before England lost and the nation was blighted, there was a similar tragedy for Scottish football fans.

All of Scotland's away matches for World cup qualification were sold by IMG to Setanta Sports. I have nothing against Setanta—I am a subscriber myself—but, given that Sky covers the games in Scotland and Setanta has the games that are played away, that means that Scottish football team games will not be live to free-to-air viewers in Scotland for the foreseeable future. Indeed, the team will have to qualify—I gently suggest, Miss Begg, that that does not happen all that often—for the European championship or the World cup before the Scottish nation will be able to see it live on free-to-air television. That has created a furore in Scotland. The Scottish First Minister, Alex Salmond, has spoken about the issue and has referred it to the Scottish Broadcasting Commission.

Scotland is not alone. Wales and Northern Ireland are now in a similar position. Because ITV has done a deal to take over from the BBC next year in showing England's competitive matches, only in England will people be able to see their national football team play live on free-to-air television.

That is not the case in many other European countries. Lists of national sporting events now exist throughout Europe under the television without frontiers directive. In Germany and France, all competitive games played by the national team must be on free-to-air TV or at least offered at a fair and reasonable price.

In Ireland, when Sky bought the broadcasting rights for the national team one or two years ago, again, there was a national furore and a great debate. The Taoiseach intervened and the law was rewritten retrospectively to ensure that all national games involving the Republic of Ireland were live on free-to-air TV. Sky had to accept that, as did the other broadcasters.

So change can occur. I gently say to Ministers that, in the run-up to the general election, this is a contentious issue not just among cricket fans but among football fans, particularly in Scotland, and the Government need to react. If England gets the World cup in 2018, the England team obviously will not have to qualify, but it is unlikely that the qualifying games of any other home nation team will be available on live free-to-air TV.

I have just a few more general points to make. I would suggest one other thing that could be added to the list of protected events. Things may come off the list—they have in the past. For example, in the 1990s, the Commonwealth games and the boat race came off the list. The last day of the Ryder cup has a national resonance and should be added—perhaps not the whole of the Ryder cup but the last day.

The sports market has changed dramatically, for the better in many ways. Specialist sports fans can now watch the sports that they love on Sky. Setanta's coming into the market added much-needed competition. Indeed, Ofcom the regulator is looking at the pay TV market generally to see whether increased competition can be brought into it. Sky and Setanta do a marvellous job, but I still support the principle of listed events, which goes back to the 1950s, when the BBC and ITV drew up a list of events that they would not try to broadcast exclusively. Then the Conservative Government maintained the list and, with the rise of cable TV, established the principle that the great national Crown jewels of sport should not be broadcast on pay TV. In 1996, there was a vote in the Lords—actually, a rebellion against the Government—that added the words "subscription TV". That was essential to maintaining the list.

Some people say, "We are going digital in 2012, so there will be no need for the list." There will certainly be more channels, particularly those on freeview, that will meet the criteria that are necessary for protecting the Crown jewels: Parliament's insistence that 95 per cent. of the people must have access to channels that broadcast the Crown jewels. However, the fact that some people will not be able to afford subscription and pay TV will apply.

In the last debate three years ago, I said, not in a politically partisan way but just as a reflection, that many of us stood on the slogan, "For the many, not the few". Things such as the Olympics, the World cup and

the Grand National should be for the many, not the few. I am pleased that there are Members from the two main parties in the Chamber, and I know that the issue excites passion across the House.

In summary, the Government should get on with the review, which was promised for 2008-09. I would be more than delighted to chair it. I make that offer to the Minister, and I am sure that other hon. Members would be delighted to participate. The issue will, rightly, be fiercely fought. At the last review, for example, BSkyB vigorously opposed the listing concept. Some of the sports bodies themselves opposed the concept through the Central Council of Physical Recreation. I hope that they will reflect on that. Many of them get a lot of public money. If they are getting money from the Government, the Sports Council or the lottery, they should ensure that some of their product is available on live TV. The matter will be controversial, but the Government and Parliament must put their mind to it. It has resonance among the electorate.

I was having dinner in Parliament last night, and who should be sitting next to me but the new Secretary of State for Culture, Media and Sport, having dinner with Ed Richards, the boss of Ofcom. I would like to think that somewhere between the soup and the pudding—they did have pudding—the subject of the review and listed events came up. I very much hope that it did.

1.45 pm

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): It is a pleasure to serve under your chairmanship, Miss Begg.

I congratulate my hon. Friend the Member for Selby (Mr. Grogan) on securing this debate. I can call him my friend: as he says, we are both Bradford City supporters, but there are many other things in which we have a common interest, including the fact that we represent Yorkshire seats. This is an important debate on an issue that is important to a significant proportion of society.

My hon. Friend has proved to be a vociferous advocate for the ideology behind the listed events regime and worked hard to ensure that major sporting events such as the 2006 World cup were shown on free-to-air terrestrial television as a result of that regime. Most recently, he has been an ardent voice in respect of test match cricket, as shown by his prominent position in the keep cricket free campaign. It highlights his commitment to free-to-air sports coverage, and it is something on which he should be congratulated and about which he should be proud.

I assure hon. Members that my hon. Friend's commitment is shared by the Government. This country's love of sport is embedded deeply in our national culture and identity. Sporting moments such as Bobby Moore lifting the World cup in 1966 and Bob Champion's fairytale victory on Aldaniti in the 1981 Grand National are part of our common sporting memory. I should just say to my hon. Friend that I left the Grand National weights lunch early to attend this debate, so I hope that he appreciates my commitment to it.

We all know that millions of people want to see such events on their television sets. Families huddle together around their TVs, kicking every ball and jumping every fence. That personal involvement has made many sporting triumphs and, sadly, occasional failures—we will talk about England and Wales on Saturday with my hon. Friend the Member for Loughborough (Mr. Reed)—into iconic moments in our national psyche. That is why it remains Government policy to ensure that the most important sporting events continue to be available to all television viewers.

Mr. Reed: Before the Minister moves on, while I agree that sporting events on television are important to the national psyche, does he agree on their importance in providing role models and in motivating youngsters to participate in sport? Some of these great events are the biggest drivers of people who turn up at local sports clubs, and the national governing bodies use them as the driver to get people to participate in sport, not just sit on the couch.

Mr. Sutcliffe: Of course, and I am grateful to my hon. Friend, who does a tremendous amount of work in the sporting arena to ensure that we increase participation, whether through the excellent facilities in his constituency or the work that he does across the range of volunteering. He is right: those people are role models and the inspiration for young people. Obviously, with our target to increase participation in sport by 2 million by 2012, such events can act as inspiration.

The Government want the most important sporting events to continue to be made available to all television viewers, including those who cannot afford the cost of subscription television. There is a long tradition in this country of ensuring that everyone can have the opportunity to watch the key national sporting events on television, and we were instrumental in ensuring that that protection was secured at European level.

The same can also be said for ensuring that ordinary fans have the opportunity to watch key sporting events live, which is why I have urged sports and ticket-resale merchants such as eBay to introduce strong voluntary arrangements to prevent ticket touts from pricing ordinary fans out of major events.

We must also recognise, as my hon. Friend has, that broadcasting income can provide the bulk of a sport's revenue and be crucial to maintaining both an international standard and grass-roots involvement. We therefore need to balance the benefits of free television access with the benefits to the quality and active engagement in sport of broadcasting revenue. I think that that is the balance that my hon. Friend was talking about. That is why, as part of the last review of listed events in 1998, undertaken by my noble Friend Lord Smith of Finsbury, we set out, for the first time, detailed criteria on which the inclusion of an event on the list could be based.

There are many different sports and sporting events that are very popular, and unfortunately the Government cannot list them all. That is because sport is a partisan topic. One man's cricket is another man's tiddlywinks and, no matter how hard we try, no list of sporting events will ever meet universal approval. The criteria, established after wide consultation, sought to balance the different interests. As a result, a listed event is one that is generally felt to have special national resonance, not just to be popular with fans of that sport. It should contain an element that serves to unite us as a nation and it should be a shared point on the national calendar, a moment when the country comes to a standstill, as my hon. Friend has said, and we watch, with bated breath, the action as it unfolds. In addition, the 1998 review extended the list of protected events, adding some events

[Mr. Sutcliffe]

to a group A list, protecting live coverage, and introducing a group B list, protecting delayed or highlights coverage. That innovation facilitated a much wider list of protected events, especially for those sports which, because they take a long time, are difficult for mainstream channels to cover.

Mr. Wilson: I have listened carefully to the criteria that the Minister listed. May I press him on the basis of that list and on whether he personally agrees with me and other hon. Members present that the home Ashes series should be on that protected list, because it fulfils all the criteria?

Mr. Sutcliffe: The hon. Gentleman tempts me, but I shall resist. I think that it is clearly something that should be considered, but I shall consider the entire discussion about such events. My natural instinct would be to agree with him, but I am sure that he will appreciate that I must deal with the process in the proper way.

The hon. Gentleman and my hon. Friend the Member for Selby have a particular interest in cricket, and it is important to respond specifically on the issues that have been raised. As my hon. Friend said, at the time of the last review, cricket was a contentious issue. Before 1998, test matches involving England had full live coverage protected. That meant that full live coverage had to be offered to generally available free-to-air channels. However, as recommended by Lord Gordon's advisory group at the time of the last review, test match cricket was taken off the group A list of sporting events. It was placed, instead, on the newly created B list, which protects only secondary coverage—delayed coverage or highlights only.

In making its recommendation, the advisory group stated that, although it believed that test matches possessed sufficient national resonance to merit some measure of protection, a test series played over 30 days could not be said to be a shared point on the national calendar. The advisory group also considered the practical difficulties faced by terrestrial broadcasters in scheduling tests in full without being unfair to viewers who do not take an interest in cricket, and it had to take account of the likely effect of continued listing on the finances of the sport. As my hon. Friend said, the then Secretary of State, now Lord Smith, was none the less able to agree with the then chairman of the England and Wales Cricket Board that it would seek to retain a substantial amount of live free-to-air coverage of home test matches. As hon. Members will recall, unfortunately, when the broadcasting contract was last renewed, at a time when England's fortunes were not at their highest, there was less interest in scheduling live cricket and the ECB felt compelled to sell all the live rights to Sky.

I do not dispute the fact that the viewing figures for test match cricket are down to about one sixth of the average during the last Channel 4 contract, and I do not dismiss the argument that televised cricket can have an impact on the participation of youngsters. Clearly a youngster watching the swashbuckling antics of a Freddie Flintoff or a Kevin Pietersen will be inspired—I mean, of course, their on-field antics. Youngsters will watch their heroes on television and will then want to grab a bat and a ball and go outside to emulate them. However, the deal that the England and Wales Cricket Board reached with Five to offer highlights for all major matches ensured that the programmes would be shown at peak time, between 7.15pm and 8pm. That is the time when most children, families and working parents can view cricket—something that was not always the case. Ofcom figures show that 90 per cent. of households with children are able to receive multi-channel television. Of those, 25 per cent. have digital terrestrial television and 65 per cent. have cable or satellite television.

As for the impact on participation, the England and Wales Cricket Board has recently announced a 27 per cent. increase in participation in club and school cricket during 2006-07, with women's and girls' cricket recording the sharpest rise, of 45 per cent. The ECB survey, which sampled 424 focus clubs nationally, also showed a 22 per cent. rise in black and ethnic minority groups playing cricket, a 16 per cent. increase in volunteers and a 37 per cent. increase in school participation in years 5, 6 and 7. The ECB sees those figures as directly resulting from the investment in grass-roots cricket by the ECB since 2005. My hon. Friend will know that, perhaps coincidentally, on Monday the ECB also announced, as part of its new five-year strategy, a doubling of chance to shine funding for the enhancement of cricket in schools, amounting to a total of £5 million.

I have listened to the arguments of my hon. Friend, but I remain of the view that the decision taken in 1998 about the structure of the list and cricket's position had its merits. That view is shared by the Select Committee on Culture, Media and Sport in its report on broadcasting rights for cricket, published on 1 February 2006, which stated:

> "We have received no compelling evidence in support of cricket returning to Group A of the listed events. The potential damage that re-listing in Group A would do to cricket would be too big a risk to take; the vast sums of money poured into the sport and the achievements of the England teams in recent years would all be put in jeopardy".

That is something that we should not dismiss lightly, although I understand what my hon. Friend has said, and perhaps further discussion is needed. By chance, I shall be meeting the ECB immediately after the debate, so I shall be able to raise the matter. I am concerned that any re-listing would potentially mean cuts in investment programmes at all levels of the game, including grass-roots cricket. It could affect the national cricket centre and the England team.

The crux of the debate is the timing of the next review of free-to-air sporting events. I of course understand the concerns expressed by those who are here today about the perceived delay in announcing the timetable for the review. In 2005, the then Secretary of State indicated that it was the Government's intention to review the list around 2008-09 because, at that time, 10 years after the last review, we would be in a stronger position to take account of changes in the broadcasting of sport and broadcasting in general, in the run-up to digital switchover. However, since that announcement, as my hon. Friend has said, the broadcasting environment has continued to evolve rapidly. With regard to sports broadcasting, there is now a greater proliferation of outlets for sports material and a change in audience attitudes towards paying for broadcast sports coverage. Of course, as we move towards a fully digital age, there will be increasing competition for sports rights.

Within that context, we cannot ignore the fact that the listed events regime represents a significant intervention in the market for sports rights. For example, at European

level, some international sports bodies are already challenging the extent of member states' lists because listing is perceived to depress the value of the rights. The Government have, therefore, decided to bring forward considerations of wider issues relating to public service broadcasting. Any decision on a review of the listed events arrangements will be made following the outcome of Ofcom's current review of public service broadcasting and when the convergence think tank's considerations are known. That will allow us to ensure that any decisions about the future of listed events will be made as part of a comprehensive overhaul of issues affecting the broadcasting sector.

It is vital that any reflection on the importance to society of access to televised sport and of well funded sport on the field should take place in the right context. As today's debate has shown, the importance of sporting events to society is such that it is vital that we do not make a hasty decision, but get it right to meet the requirements that my hon. Friend has set out. The debate is an important one, and my hon. Friend made his points well. I look forward to continuing the discussion.

Question put and agreed to.

Adjourned accordingly at one minute to Two o'clock.

Westminster Hall

Wednesday 6 February 2008

[FRANK COOK *in the Chair*]

Enforced Criminal Activity (Children)

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Roy.]*

9.30 am

Mr. Anthony Steen (Totnes) (Con): I am delighted that the Speaker has given me the opportunity to raise this matter at an opportune time. Nearly two weeks ago, the national media covered an unusual raid in Slough, and the results have occasioned me to raise this matter.

I am raising a new phenomenon. Something is happening in Britain, and no one has grasped quite what it is. Like a good Agatha Christie—she was a constituent of mine, and her family lived on the River Dart—one does not see the full picture until all the jigsaw pieces are in place. Then the whole picture becomes clear. What is happening is that organised crime networks are trafficking Roma children into Britain and other EU countries, notably Italy and Spain, and using them to milk the benefits system and for criminal activities such as shoplifting, pickpocketing and ATM theft.

Children are sold by their parents to gangs. The gangs then demand money to traffic the children to another country on the promise of a safe return. The family enter into debt slavery with extortionate interest rates, the gang demands another child, the children are smuggled through Europe, or are simply flown into the United Kingdom with two adults, and are unchallenged at Gatwick or Heathrow as they have EU passports. They often fly to Luton, where there are direct flights from Romania. Children are trafficked through every airport in the UK, and they remain unchallenged.

If passports were at least viewed, officials would see when children have different names from those accompanying them. Even better, if they were scanned regularly, they would be detected. Children are placed with a family that is controlled by a criminal gang, and are forced to beg, steal and sell—*The Big Issue* is one recent example—on false identity cards. They are made to look after babies, and to beg with them. They are made to sleep on the floor, and must give everything they earn or steal to the family, or they are beaten. The benefits go back to the gang, which builds a comfortable and expensive lifestyle back in Romania and Bulgaria.

Examples arising from the Slough raid are sub judice, so I cannot raise them now, but they are blood-curdling in their cruelty. The police believe that there are between 1,000 and 2,000 trafficked Roma children in the UK. The important thing is that none of them goes to school, and they are not on any social service database. They are not cared for by foster parents, and they are completely below the radar.

This is a new phenomenon, and what we are witnessing has only recently dawned on our law enforcement officers. To put things into perspective, the Performance Information Bureau reveals a 786 per cent. increase in Romanian nationals accused of crime in the Metropolitan Police Service district, compared with the same period in 2006. The number of Bulgarian nationals accused of criminal activity has increased by 250 per cent. in the same period. This is the work of criminal gangs but, unlike most such gangs, they buy children and school them in the art of street crime. I believe that there are three schools dedicated to teaching criminal activity. I am not allowed to disclose where they are, but we know of at least two in Romania and the third is probably in Bulgaria. The twist is that many of those children are under 10 and have no criminal liability in this country. Although they are viewed as being too young to know that what they are doing is wrong in British law, they are not too young to be trafficked. They have either been sold by their desperately poor families to gangs that then train them, or, more likely, they come here as families, and carry out their activities as a family unit.

The Roma community has faced persecution for hundreds of years, and its members were victims of Nazi Germany. The conditions in which they live are among the poorest that I have ever seen, sometimes in decaying brick and mud huts without electricity, with heating provided solely by wood fires, and water having to be pumped from the fields. The problem is that they cannot find work, and are discriminated against by their host community. I believe that the Minister has been to Romania and seen some of those conditions, as I have. They are unbelievable in the EU.

Three or four years ago, the river in Chernavoda in Romania flooded and many of the brick and straw houses were destroyed. When I went there less than a couple of years ago, many of the houses had not been rebuilt and the families were living in makeshift barns, tents and wooden structures where one would not expect animals to live in Britain.

In Romania, the Government pay the Roma £6 in benefits per child per week. When the Roma families come to Britain, they receive £45 per child per week. That is a dramatic increase—eight times the amount they would receive in Romania. I doubt whether the Minister has any idea of how many Roma families are purportedly claiming benefit in Britain and being paid for by the British taxpayer, because there is no national database that records which families are claiming child benefit. I am told that Roma families move between local authority areas and claim again and again. I do not know whether that is true, but I would like to know whether it is. It may be fraudulent, but I believe that it is happening. If so, would the Minister tell the House what he will do to establish a national database pretty smartly? Until he does so, benefit fraud will milk the system, and the amount of money coming from the British taxpayer will continue to increase.

We are witnessing the infiltration of increasing numbers of Roma Gypsies who settle not just in Slough, where they rent terraced houses, but all over London. They move 23 to 26 people and often more into one house, and sleep in a similar way as back home. Entire families of six or eight people live and sleep cheek by jowl in one room. That is no different from what happens in eastern Europe.

I shall give an example of how Roma families move on. The original view was that perhaps 100 homes in Slough had criminal activity going on. On 13 December last year, Thames Valley police arrested three males and

[Mr. Anthony Steen]

two females in a car outside an identified address. They were arrested for burglary offences. The arresting officers were from the traffic division and had little knowledge of Romanian organised crime methods. They spoke to the people at the address that then contained a whole family. When criminal investigation officers returned a few hours later to search the house, they found that it had been vacated. The entire family had moved out. Floorboards had been lifted, bedding sliced open, furniture turned upside down and all possessions and property had been taken. The speed at which the Roma communities move makes it very difficult to pinpoint and convict any of those involved in crime.

I wonder what the Slough health and safety officers think about that. Have they visited those premises? If not, why not? The addresses are known to the police. I suspect that it is because the officers cannot cope. Is the same true of Slough social services? Some 126 Roma children are suspected of being trafficked, of whom 57 per cent. have criminal histories. About 80 children were counted in Slough at the beginning of the year. The cost to the council tax payer is spiralling.

As regards the 10 children who were taken into police protection in Slough as a result of the Slough raid, only one child was returned to the address from which they were taken. The parents of three children flew in from Spain to collect them and the parents of two children flew in from Romania. Other children were reunited with parents from all over the UK. The children were aged between two and eight. The one thing that all the children had in common was that they did not attend nursery or primary schools or participate in any form of UK education. The Roma children whom I know are in their early teens and totally illiterate.

Bob Spink (Castle Point) (Con): My hon. Friend mentioned that the police take children into care. He knows that the police hand over the children to the local authorities, which then care for them appropriately under the Children Act 1989. Local authorities have a duty to care for children, and few groups need more care than children who are trafficked for slavery, benefit abuse or, even worse, sexual abuse. Does he share my concern that the Government are not properly funding the local authorities to carry out that duty of care?

Mr. Steen: My hon. Friend raises a point that I would have raised until I investigated the matter. First, local authority social services do a very good job. The social workers, who are very hard working, have a problem dealing with the British alone. Landing them with foreign children from other EU countries puts a burden on them, with which most of them cannot cope. As a result, when they try to cope, they find that they are totally outmatched by the traffickers. When children are put into care, safe houses are not safe. The children go missing within hours. The director of social work in Manchester said that within minutes of children going into care, they are off. The traffickers are often waiting outside with their car engines running. The children walk out of the front door of a care home and into the car. Social workers cannot care for the children and they do not speak their language.

Most Romanian children cannot read or write, and cannot speak any other language. We have no care homes that are staffed by Romanian speakers. We have no foster parents who speak Romanian. The problem is out of control. There is no way we can cope with children in care. They are not in care and they are not in safe homes, because they just escape. The situation is devastating, and I am glad that it was raised by my hon. Friend. No matter that the local authorities have a duty to care for those children; our social services cannot cope with this problem.

The Slough example is not the only one. Haringey council spent its annual interpreters' budget on Romanian interpreters in the first three months of this year. The authorities are failing because they are overwhelmed. The police do not have the resources permanently to disrupt the vast criminal networks. As the going gets easier for the criminal gangs, the trickle of Gypsies will increase to a flood. Free right of access across EU frontiers makes it possible for the first time for the Roma communities to come from across Europe. That form of trafficking is entirely new. Although the children are often with their own family, their family is mortgaged. They are debt-bonded to the criminal gangs, who are of their own kind and come from their own village

The organised criminal network exploits the most vulnerable groups in their society. The families sell one of their many children for cash, and the child is expected to pay off the debt by crime. Non-payment of the debt by the child results in intimidation and violence to the family. If one goes to many villages in Romania, one can see hovels in one section of the town and beautifully built homes in another part. Those homes are being financed by the gangs' activities in this country and others.

We have hundreds—and in time, thousands—of those families in Britain. Their sole aim is to milk the benefit system and to steal on the streets. I have personal experience of apprehending a Romanian teenager at Marble Arch underground station as part of my police duties under the police service parliamentary scheme. The girl had stolen goods on her but of insufficient value for the police to prosecute her. She had a return underground ticket, but no money. She was one of a group of teenagers whom we were unable to apprehend because of the speed with which they disappeared as soon as they saw the uniform.

The girl was taken to a place of safety at Marylebone police station, and we spent five hours trying to get information out of her; we could not. We had a Romanian interpreter—heaven knows at what cost—and she could not get any information out of the girl either. The girl was deft at not answering questions and pretending not to understand, when I knew that she could understand. She claimed to live with other members of her family, but refused to give her address. I pay tribute to Superintendent Gravett and his team, as well as to the Romanian police officers who have been seconded from Romania to Britain to help to get a grip on the problem. They are doing a great job, but they have not got all the pieces of the jigsaw together.

In his office, Superintendent Gravett and his team have already collected hundreds of pictures and names of children as they try to put two and two together. However, they are finding that it makes more than 1,000 as they struggle to cope with a never-ending barrage of

numbers, new names, new figures, and new children who move from one country to another. Such children move much faster than any of our law enforcement agencies.

Haringey social services said that they could not cope with the girl whom we apprehended. They had no social workers or funds available. There were no foster carers who spoke Romanian, and there were no secure hostels. If there were, they would not have been secure enough for that girl. We arrested the girl at 3 o'clock. By 8 o'clock, the police let her go. She knew that that was going to happen. She was not going to give them any details. She said that she lived in a house with her parents. She did not disclose where that house was. I offered to accompany her home on the underground, but she would not have it, and she was able to speak English when she had to.

I believe that London society is now a sitting duck. It is a target for Roma-organised crime, which is spreading throughout the region. Against that background, one must look at the Metropolitan police service area and the increase in pick-pocketing, distraction theft and ATM crime since 1 January 2007, when Romania and Bulgaria acceded to the EU. Not just the Met district has been hit; other police forces across the UK are reporting increases in criminal behaviour in those categories.

The removal by the police of 407 Romanian nationals back to Romania resulted in a 29 per cent. reduction in pickpocketing and a 24 per cent. reduction in other thefts in Marylebone alone, which represented more than 6,000 crimes. We are witnessing the criminal exploitation of young children, most of them trafficked into this country through organised criminal networks. The British Transport police believe that Bulgarians are responsible for up to 80 per cent. of pickpocketing thefts on the London underground.

All that is trafficking with a difference, the difference being that instead of the trafficked person being sold to a third party, the trafficked child is often the down payment that the traffickers are holding for debt bondage. The child works to redeem their family's debt, and the family then become engulfed in the criminal way of life.

The Roma organised criminal networks are unique in that their criminal patterns embrace—people will have seen this—the use of women with babies for begging, children for distraction thefts, young girls for shoplifting and young boys to steal cash by distraction. They are responsible for much of the UK fraud loss at ATM machines. In 2006, the fraud loss at ATM machines was £61.9 million.

What, then, is going on in Slough and as a result of Slough? Intelligence suggests that children and adults are being sold between gangs in the UK, as well as being trafficked into the UK for criminal purposes. There are a number of factual accounts on record that provide evidence of sales for £20,000 of one or more persons, including babies and very young children. There is a reason why the figures are so high. I find them hard to believe, and I have questioned the police about the issue on many occasions. They say that a talented criminally active child can earn approximately £100,000 a year for the gang. I just do not believe the figure, but I am told that I should accept it.

It is believed that more than 1,000 children were trafficked out just before the accession; 187 children have been identified as criminally active in London and across the UK. Their offending spans 32 UK police force areas. Some of the children have had up to 12 convictions since 2007. The adults have committed criminal offences linked to false asylum applications and benefit fraud. Organised criminal gang members are acting as appropriate adults for arrested children across the Metropolitan Police Service. Significant amounts of money are being transferred back to Romania. This is a very important point. It is a big business. One can see places all around London where people can send money abroad. Enormous sums are going from Britain to Romania, Bulgaria and the Czech Republic through those cash shops.

Mr. Peter Bone (Wellingborough) (Con): I know that my hon. Friend recently went to see the work of the Border and Immigration Agency. One extraordinary fact is that children under the age of four are being trafficked into this country. There seemed to be no purpose for that, but it was explained that, because they are not fingerprinted when they come in, they can be used repeatedly at Lunar house to obtain benefits for more than one person. Is that another way in which trafficked children are defeating the benefits system?

Mr. Steen: Surprisingly, my hon. Friend knows that what he is saying is correct because he was with me. The visit to Lunar house was quite enlightening and disturbing, as it showed how the system is being exploited by people who are far cleverer than the system. Every time the system changes, they are ahead of the game. I recollect that we heard about young men who pour alcohol on their fingers and set them alight to defraud the immigration service by preventing it from obtaining accurate fingerprints. That is how ghastly the whole business has become.

There is a big problem. The Government need to explore whether criminal exploitation of victims for gain by another is an offence. I do not want to increase the amount of law on the statute book, but I am not sure that that is an offence. Roma children are used for criminal exploitation in begging, pickpocketing and illegally selling *The Big Issue*, which is one of the things that they do. Their gangmasters get the money, but I believe that the gangmasters cannot be charged with a crime; instead the child is criminalised. Is that the case? Do we need a new law of criminal exploitation of others? There is a view that the current law may be insufficient to deal with that crime.

I wonder whether, if we were more intrusive at the points of entry right across the EU, Madeleine McCann might not have been able to pass through customs without a problem. I am talking not just about this country, but about other EU countries. They are not vigilant enough about children coming through with adults other than their own family, and even then, as we know, many of the passports are forged.

In 2006, crime from eastern Europe was negligible; now the situation is out of control. I warned of that on 24 November 2005 in a debate in the House. I said that

"one reason for delaying accession"

was

"the level of people trafficking, particularly child trafficking".—[*Official Report*, 24 November 2005; Vol. 439, c. 1687.]

Despite that warning, we went ahead and brought Romania and Bulgaria into the EU. I welcome that,

[Mr. Steen]

but we did not put up safeguards to ensure that the problem that I said might arise did not arise. Do not let us put our finger solely on Romania. There are Roma communities throughout Europe and they are not solely to blame. They are used by criminal networks and their vulnerability and poverty make them perfect targets.

I ask the Minister to take this very seriously. Roma communities have a different culture. They play by different rules, and they have utterly different behaviour from most others. They have a different approach to work. In the village in Romania that I visited, I was told by the Government officials with me that 97 per cent. of the people living there would not be working. We are unlikely to be able to offer solutions on how we can cope with the Roma problem until we understand them better. I have noticed that there is a total lack of social studies from the top universities about those communities and how we can ever integrate them. It strikes me that that is a tremendously important thing that we have overlooked. We are dealing with a different group of people, and we cannot hassle and harass them for their way of life, although it does impinge on our way of life and what they do is quite wrong. We have to understand how they operate and their motivations.

The Romanians whom I know in Romania are quite hostile to the Roma communities. They feel that they let the Romanians and the Bulgarians down. They are known for pilfering and criminality. The Romanians whom I know are very offended by what has been going on in Britain, and they want to put things right. Our aim should be to break the cycle of abuse. The Government should be saying loud and clear that they do not have the resources or knowledge to deal with those hundreds of children. The children with criminal records should be treated as victims of crime and repatriated with the support of reputable children's organisations in the countries from where they come. We cannot send children back on their own, because they will just be recycled.

I pay tribute to the Romanian authorities, which are facing up to the problems. I shall describe the kind of case that they are having to deal with. One Roma child of 13 had a baby in Spain. The grandfather of that baby, who was about 34 years old, brought the little girl into Britain and was apprehended at Stansted airport. She was transferred to Essex social services. Will the Minister arrange for the Romanian embassy officials to gain access to visit that child—they have had great difficulty in doing so?

The Parliamentary Under-Secretary of State for the Home Department (Mr. Vernon Coaker): Perhaps I shall not lose sight of that point if the hon. Gentleman writes to me about it. I do not want to lose sight of a specific point on an individual case in the generality of the debate, and I would be happy to look at the matter and consider it.

Mr. Steen: I anticipated a helpful intervention, so I have assisted the Minister by tabling three questions. I shall draw the attention of his office to them.

In the past 18 months, the Romanian authorities have established greatly improved social care in Romania—it has come forward in leaps and bounds. They have closed the orphanages, they have a register of parents who want to adopt and they have established centres made up of psychologists, teachers and doctors. The latter are thoroughly underutilised, so there are plenty of places for children apprehended in this country if they are sent back to Romania. My information is that the Romanian authorities expect Britain to send the children and the criminal gangs back to Romania, and to be much more vigilant at ports of entry if such people attempt to re-traffic.

Also in the past 18 months, Britain has tried to place 18 children in foster care, but only four ended up in such care. They were placed in foster care away from danger, but they all ran off within 24 hours—one took all the electrical goods in the house—so that is not a particularly good idea. My hon. Friend the Member for Castle Point (Bob Spink) came up with a suggestion on those lines, but I should tell him that it has been tried.

Bob Spink: I agree with my hon. Friend, but he missed the point that I was making. Essex county council and social services would claim that they do not receive sufficient funds from the Government to give proper care, set up safe houses and employ interpreters, nor to give the care that the children need before they are returned to their country, as they should be.

Mr. Steen: My hon. Friend has now made his point twice.

I do not want to describe more individual cases but, apparently, someone in the Home Office has on their desk three other cases in which the removal of children requires ministerial approval—I doubt that it is this Minister. At first, I thought that the decision would take three days; then I thought that it would take three weeks. I have now been told that it will take three months. The Minister should know about the failure of one of his colleagues to sign a deportation order, because the children concerned have appalling criminal records, and it would not be helpful for them to remain in this country.

What if we set up a national campaign to locate the 2,000 Roma trafficked children who are believed to be in the UK? I am worried about what the Home Office will do about them if they are located. How will we handle, say, 2,000 children if they are found by the police through Operation Pentameter, or through a trawl as a result of the Slough operation, particularly if it has taken three months for a Minister to sign only three deportation orders for children?

The media could help, but not by sensationalising the problem, as they have done until now. They could target not so much the unfortunate families who are tied up in the maelstrom of evil and vice, but the serious, organised criminals behind them: the gangs, the operators, those who make their money out of the very poor and who live in expensive new houses built with money made through stolen children. We need to focus on the exploiters. It is not a question of demand, as with women trafficked for sex; it is purely about financial gain, and it uses our society as a pawn.

We should set the matter on some scale. Some 1,000 bags are stolen in Westminster alone each month, but the human trafficking unit in London has—wait for it—only eight officers. Children of all ages are bought

and sold. A four-year-old child has been caught stealing a wallet. A 12-year-old girl who has 11 different names and dates of birth has received 12 convictions this year, and she was involved in 45 other incidents in which she was not arrested because she is classified as a juvenile—there were 45 incidents when proceedings could not be brought because of that. The police time spent on that is appalling. It is not a new phenomena, but it is a serious human tragedy and it is happening within our own shores.

The EU should be finding funds and using resources to lift Roma communities out of their poverty, to train young people, to help them to get work and to give counselling and advice to those who are trapped in debt bondage. Why is the EU not giving substantial funds to Romania, Bulgaria, the Czech Republic and Hungary, all of which have Roma communities, and trying to lift them out of such poverty? I am very critical of the European Commission, because it has done absolutely nothing about the phenomenon, and it does not seem to have any will to help the countries that are tackling and wrestling with such problems. Gangs will thrive, people will be abused and they will remain the victims of unscrupulous gangs so long as the Roma communities are so poor.

I do not want what I have said to be interpreted as my not appreciating Romanians or Bulgarians or any other people. Romanians are law-abiding and highly regarded, and they are efficient workers—we must not tar them with the same brush as the criminal gangs. I must stress that there are Roma communities in Britain that are most definitely not part of the criminal networks. We want to reach out to them; they have every right to be here and we can welcome them.

Some police officers are beginning to despair. Our front-line officers do not see an end to the problem. If we cannot look after such children and families in Britain, which we cannot, they should be sent back and helped to re-establish themselves. If there is nothing going for them here, we must get them back, so that things get going for them elsewhere. If things get too rough, the Roma communities will go to another EU country—they will pack up, as they did in Slough, and within three hours they will be in another country.

The issue is a serious challenge to the Government and to our people. We are approaching a siege situation. The Government must tackle the issue as a potential major assault by criminal gangs on the United Kingdom.

Several hon. Members *rose*

Frank Cook (in the Chair): Order. This is 90-minute debate. I am obliged to call the hon. Members who will make the three winding-up speeches 30 minutes before the end, so we have 22 minutes purely for comment from the floor. I ask those right hon. and hon. Members who wish to catch my eye to bear in mind that time limit as they make their contributions and accept and respond to interventions.

10.9 am

Mr. Denis MacShane (Rotherham) (Lab): The hon. Member for Totnes (Mr. Steen) is a hero to many of us concerned with this issue. He is the closest we have to a Wilberforce—he is white-haired but he is still incredibly youthful and energetic. He has brought the issue up time and again.

I politely invite the House not to stigmatise Romas, which the hon. Gentleman certainly did not. In effect, it is Oliver Twist meeting 2008 on the streets of London. Communities that Dickens described 150 years ago are now living in Europe. They were left to their own devices under the hideous communist regimes, now finished. Now they are not able to adapt.

I remember as a young Labour activist—you, Mr. Cook, may recall this—that a similar concern was expressed 40 years ago about Roma communities in the UK, with councils wanting to chase them away. It required a community of liberal spirit to change the mentality—as much, let me say, among Labour councils as Conservative; I make no political point.

I very much agree with the hon. Member for Totnes about the need for greater European intervention. However, were I to stand up in the main Chamber and say, "Let us give the European Commission more money from the British taxpayer to work on the problem," and if I suggested that money came also from other countries, I wonder whether the hon. Gentleman would join me in the Lobby, because his party has strong and clear views on Europe.

Mr. Bone *rose*

Bob Spink *rose*

Mr. MacShane: Do the hon. Gentlemen wish to make interventions? If I were to take interventions—

Frank Cook (in the Chair): Order. My previous comment has nothing to do with that. Mr. MacShane.

Mr. MacShane: I shall compress my comments in order to leave time for others to speak.

I believe that we need a European bureau of investigation. I believe that we need enhanced police powers across Europe, but not based on intergovernmental co-operation. That simply means that, if a police force wanted to make contact with its opposite number in Romania, it would first have to come to Whitehall; requests would then have to be made to the relevant Department or Ministry in Bucharest, then the Ministry of Justice and finally the police unit. By the time that process had been gone through, every bit of information would have been leaked and everyone would know about it. We need increased European integration if we want to tackle the problem. If we do not, by all means let us stay as we are.

There are serious problems with Roma communities all over the United Kingdom. I can report that concerns have been expressed by councillor colleagues in Rotherham. One way to deal with them would be to insist, for example, that all European Union citizens should be on the electoral register before having access to any public services. If they want to put their kids in school, to draw down child benefit—that is allowed—to register with a GP, to have treatment in hospital, or to use any public service, they should be on the electoral register.

I would make that a new British law, combining access to public service with accepting the responsibility of having the vote. It is well known that EU citizens that live here can vote in our local and European parliamentary elections, just as British citizens living in Spain, France and elsewhere in Europe can vote in local and European parliamentary elections in those countries. That would

[Mr. MacShane]

be a starting point, but I ask the Minister not respond to it today, because it is not a matter entirely for his Department.

We need more material in the Romanian language. It is not that difficult a language to learn, but as the Government in their wisdom have axed the compulsory teaching of modern languages in secondary schools, Britain is becoming more and more of a monoglot community. That is not helpful, and I shall be pressing the Government to change their policy, but we need more literature to be produced in Romanian. I am sure that the Romanian embassy would help; there are many Romanians, academics and professionals, who could help. We need a helpline in Romanian, so that anyone seeking to escape from those criminal gangs could call for help immediately.

We need much tougher action on deportation. It is a huge myth that the European Union does not allow citizens to be deported from one EU member state to another. I could cite technical articles on the subject, but I shall not for the sake of brevity.

We certainly need to consider money flows; we need bigger controls, and our banks need to be much more vigilant. That will involve some interference in everybody's right to keep their money secret. We are having a slight debate about MPs' allowances and the level of secrecy that might be allowed in that respect, but what is sauce for the MP goose might become sauce for the citizen gander. We need more transparency in that respect.

We need more than one Poppy project. We praise it routinely, but Italy has 200 safe houses for those who want to escape from the clutches of criminal gangs; we have only one.

We also need to back swift economic growth. There was a Roma problem in many west European countries, including the UK, 30, 40, 50, 60 years ago—even 20 years ago. It has been eased thanks to economic development. That is what Romania and Bulgaria need more than anything else.

Above all, we need data. I was listening to a debate on the "Today" programme this morning between Professor Timothy Garton Ash—I am a huge admirer of his—and another gentleman, who was resiling from the idea of gathering data. I think that we have far too little data.

As the hon. Member for Totnes knows, I have a particular interest in the abuse of children who are trafficked into the UK as sex slaves. He focused on Roma, but the debate is about enforced criminal activity by children. The plain fact is that we have too many children—girls under the age of 18—who are trafficked into the UK and are made to work as sex slaves. I have a report of a young girl who, at the age of 12, was sold to a criminal gang in Albania, trafficked into England and forced to work as a prostitute. She said:

"For 16 hours a day, I had sex with men in dingy brothels and massage parlours. If I refused, I'd be beaten."

There are many other examples.

In the other place, their lordships were recently debating the Criminal Justice and Immigration Bill, which we debated two or three weeks ago. The language that they used about controlling the demand side for those sex slaves was truly appalling. Those horrible, dirty old men were talking about the oldest profession and saying that there was no problem to be solved; I was ashamed. I hope that as many people as possible read that debate, and realise how unrepresentative their lordships are of the British community.

I believe that more and more people are waking up to the problem, and want action to be taken along the lines acknowledged by the hon. Member for Totnes. The one country that has made a serious effort to gather data is the Netherlands. Dutch statistics show that about half the reported victims of sex slave trafficking are from central and eastern Europe—mainly Bulgaria, Romania, Russia and Ukraine—and a fourth of them are from Africa, especially Nigeria. The data show that victims are almost exclusively female, and that about 15 per cent. of them are below the age of 18. I have no reason to believe—my hon. Friend the Minister may want to comment on this—that the broad percentage figures would be different in the UK.

We need to look at the demand side. I am sorry, but as long as every man in the country—and every columnist, including Henry Porter and David Aaronovitch—defend having no controls on the demand side of sex, thinking it is their inalienable human right to go and have as much sex as they want with any woman they like on any terms they like and without being required to ask questions about the age or—dare I use this absurd word?—the provenance of these girls, we will not stop sex slave trafficking.

Finally, I refer to honour-based killings and honour-based violence. It is a growing problem in the British community, and it causes enormous distress to many young English or British citizens under the age of 18. In particular, I commend the new publication from the Centre for Social Cohesion called "Crimes of the Community: Honour-based violence in the UK". It was written by Mr. James Brandon and Salam Hafez. They report that Saamiya, a 16-year-old girl living in a refuge in northern England, left home when her family threatened to kill her after refusing a forced marriage. She is quoted as saying:

"When I asked the taxi driver to drop me here"—

that is, at the refuge—

"he just asked me 'where are you from', 'who's your dad – does he know you're here?'... All the Asian community knows about the taxi-firms – it's like a network. There's always someone who's got a friend there who knows your dad."

We must look at the problem of forced marriages. Lord Ahmed and Baroness Uddin produced a report on the subject some years ago and it needs to be revisited. They were quite clear in their condemnation of forced marriages. However, we now need to consider making forced marriage a crime. We must get into the ideology that justifies that behaviour, because it is based on ideological principles; it is no use just talking about it as something "cultural", as if that excused it. It is a political, driven message that it is all right in certain communities to treat young girls as chattels, to oblige them to marry whoever the menfolk or the parents decide and if they should refuse to marry they are treated as outcasts and orders can be given to kill them. The police are good in dealing with the problem, but we need many more examples to break this evil habit finally, because it is another example of criminal activity involving young children.

I commend the hon. Member for Totnes for a very fine speech and for raising this debate in measured terms. I hope that my hon. Friend the Minister will seek

to take the matter forward. I pay tribute to him; his dedication is second to none. He really is on top of the issue. However, let us now have more action, fewer excuses for not tackling the demand side of sex slave prostitution and more data. Let the Conservative party engage fully with Europe and support the giving of more funds and more power to the European Commission, and also support the Government in all their attempts to make the European Union work to tackle this problem.

10.22 am

Mr. Peter Bone (Wellingborough) (Con): It is a pleasure to serve under your chairmanship once again, Mr. Cook. It is also a pleasure to follow the right hon. Member for Rotherham (Mr. MacShane).

I congratulate my hon. Friend the Member for Totnes (Mr. Steen) on not only his speech today but the fact that he has driven the consideration of human trafficking in this House. Two years ago, human trafficking was not an issue, but now it is right at the top of the agenda. I am delighted that the Under-Secretary of State for the Home Department, the hon. Member for Gedling (Mr. Coaker), is here today, because I know about his personal commitment to dealing with human trafficking and the way in which he has battled behind closed doors in government. Everybody should be thankful for the Minister's work.

I agree with much of what the right hon. Member for Rotherham has said. I will go on to discuss the sexual exploitation of children, but first, however, I must take him up on the confusion between the European Union and Europe. Europe is a lot bigger than the European Union, and there are many ways to give aid to Bulgaria and Romania—for example, some of the £10 billion a year that we give to the European Union could be diverted to do good things in those two countries. The European Union is doing quite a good job, but most of the money goes to French and Italian farmers. Of course, if we were out of the European Union, we would be better off, which would mean that we could direct that £10 billion to where we want it to go.

I want to address the issue of children being trafficked into this country for forced prostitution. A couple of years ago, when I was first notified of that problem by an anonymous letter posted through the door of my constituency surgery, I did not believe that child trafficking was happening. Since then, I have spoken to so many police officers and to so many people who have been trafficked that there can be no doubt that thousands of children are being trafficked into this country each year to act as prostitutes. Those children are, as they have been described already, sex slaves.

It was remiss not to mention at the beginning of my speech the drive to raise the awareness of trafficking, which has been helped enormously by certain parts of the media, which are following this debate very closely, and I mention Channel 4 in particular for its efforts in that field. I also pay tribute to the charities that work in the field, particularly ECPAT, which stands for end child prostitution, child pornography and the trafficking of children for sexual purposes. As there is only a short time available to me today, I recommend the booklet "Rights Here, Rights Now" by Jana Schilner and Chris Beddoe. It lays out in great detail the problem of child trafficking, and I know that the Government are taking seriously the authors' suggestions on how the situation might be improved.

I know that this is an historical event, but two years ago the all-party group on the trafficking of women and children met a 17-year-old black girl, who was strikingly attractive, in the Palace of Westminster. Two years previously, she had been trafficked into this country at the age of 14 or 15. She came from Kenya on a direct flight, and she went through border control with a white, middle-aged man on a Kenyan passport that did not have her name or picture on it. As my hon. Friend the Member for Totnes has mentioned, we recently went to Gatwick to see the Border and Immigration Agency in action, and it promised us that that could not happen today, which is very encouraging. That young Kenyan was taken to Liverpool. After two days of forced prostitution, she escaped, came down to London, found someone who spoke her own language, was taken to the authorities and, luckily, was looked after by one of the leading charities in this country. Her story is the rare exception to the rule.

We have had some success in releasing such children from that terrible bondage. If an adult is freed from such a situation, they will be looked after pretty well. They will probably go to the Poppy project, which has secure housing where they will be well looked after while they get over that horrible experience, after which they can testify against the gang that brought them in. However, if a child is freed from such bondage, it is bad luck. If someone is 18, they will be looked after, but if they are 16 or 15, as the young Kenyan lady probably was, they will normally go to a local authority home in the area where they have been discovered, which is the area where they have been trafficked to or sold on to. By the way, it is extraordinary that people can be taken to a coffee shop in Gatwick and sold—literally sold—for £5,000 to somebody else before being taken to Liverpool, for example.

If someone is in the hands of the authorities, they should be looked after. However, such children are put with all the other children who are under local authority care in a home that everyone knows the location of. There are no locks on the doors, and they are back in the hands of the traffickers within a couple of hours, which is a complete failure of the system. When one talks to social services about that failure, they say, "Well, we can't lock them up, because that is against their human rights." So, it is against their human rights to stop them being retrafficked—even in local authority-speak, that is madness.

In this country—I know that the Minister has been examining this issue, but I press him to consider it further—we need to follow the Dutch example. In Holland, they have four large safe houses, which are secure and not available to the traffickers. In my view, if we lock people up for their own protection, it will benefit their human rights and stop that horrible trade. However, that point applies only if we discover the poor victims in this country.

The best solution is to stop the traffickers at the border. We have heard about the problem involving Kenya, which has been sorted out. Given the situation in the European Union, however, the Border and Immigration Agency does not have the powers to prevent people from coming in, which is a point that its representatives stressed to the all-party group when we

[Mr. Peter Bone]

visited Gatwick airport last week. The agency does not have the necessary powers, other than the power to check that the document that a person is travelling on appears to be sound. It cannot stop people and say, "Well, why are you coming into this country? Where are you going to go?" However, when I used to take young, teenage girls to America as part of my business's training programme, the American authorities would always take them off and interview them separately for up to half an hour to make sure that what I was saying was genuine, which is the sort of thing that we need to do in this country to tackle the problem.

10.30 am

Lynne Featherstone (Hornsey and Wood Green) (LD): Liberal Democrat Members are grateful for the opportunity to discuss this important issue, and I congratulate the hon. Member for Totnes (Mr. Steen) on securing the debate.

There are two types of enforced child criminality. One involves the rare but incredibly shocking cases of children who are used by their parents or relatives to commit crimes. Such cases have been reported in the press recently. Clearly, they need to be dealt with completely differently from those of the thousands of children and young people who are trafficked into this country as part of what has rightly been termed modern-day slavery.

On the first issue, there are laws to deal with the despicable practice of parents exploiting their children and forcing them to commit crimes. Child protection procedures exist to ensure that children can be taken into care where such wilful neglect and abuse take place, and I would welcome the Minister's comments and assurances on that.

More pressing, perhaps, is the horrendous issue of massive child trafficking and the criminal activities that children are forced into. That is the issue at the heart of this debate, and I hope to press the Government on what they are doing to place the interests of trafficked children—the victims—first.

The Liberal Democrats have long pressed the Government to ratify the Council of Europe convention on action against trafficking in human beings, because we believe that we must stop the barbaric practice of child trafficking. As the hon. Member for Totnes so eloquently said, such action is fundamental to preventing enforced child criminality. The Home Secretary has announced that the Government will ratify the convention next January, but it will have therefore taken three and a half years to implement a framework that we urgently need to address trafficking.

We must also act to secure the legal status of trafficked children. Children who are rescued from the clutches of enforced criminality should not face legal battles about their status while their future is secured, whether they are looked after in this country while they wait to give evidence or returned to their home country.

Prevention and detection on entry are vital, but if they are the main focus of our approach, we might neglect another important focus—identifying the victims who are already in this country and working out what care and support they should receive after they have been rescued.

My constituency receives a considerable number of people seeking asylum, and I am in regular contact with the Home Office, making direct representations on behalf of constituents who are trapped at the mercy of the Border and Immigration Agency. Incompetence and delay mean that such people's lives are held in suspension as they wait for decisions, but those decisions are not being made—and that is just what happens in ordinary asylum cases. Regardless of the special training that is available, I shudder to think how this bureaucratic leviathan will deal with child victims of trafficking. Will it deal sensitively and appropriately with them? What is important is the victim-centred approach at the heart of the convention, which must drive our response to enforced criminality among trafficked children.

The United Kingdom Human Trafficking Centre co-ordinates the Government's law enforcement response to this serious issue, and the Liberal Democrats wholeheartedly support many of its objectives. Indeed, there is little doubt that we will need a multi-agency approach if we are to break the back of the trade in people. Such an approach must bring together the energies of the various organisations—not only state organisations—that can have an impact on the issue. However, I have found little evidence of a similar or equivalent co-ordinated effort to bring together non-law enforcement agencies that focus on victims' needs; indeed, that appears to be the missing link in the current strategy.

Law enforcement is the key part of our approach. In no way do I want to play down the necessity for appropriate law enforcement, but trafficked children are at the very edges of society and often far removed from the reach of the state. If the Government want to effect a positive change in a certain sector of society to tackle an issue, they normally have in place well established public servants, such as teachers, district nurses and social workers, to deliver that change. However, child victims of trafficking go out of their way to avoid contact with the agents of the state, whom they perceive as the enemy. A teenage prostitute is unlikely to go out of her way to reveal the full extent of her plight to a police officer, and such people will often disappear straight back to the trafficker, as has been said. They will have lived with the constant threat of violence and the repeated message that revealing details of their situation will lead to more violence, to retribution for them or their families and to certain repatriation.

If we are to reach victims, we must do more to spread the net wider and enlist the help and expertise of third-party organisations, such as non-governmental organisations, victim support groups and community-specific groups. They are the experts on the front line, and they are best placed to reach out to and engage with the victims of trafficking in a way that Government agencies simply cannot. I would welcome the Minister's comments on that and an assurance that everything is being done to engage with the wider community to deal with child trafficking.

I was shocked to hear that one study, which has been mentioned, has shown that 183 out of 330 trafficked children went missing from local authority care. I listened carefully to the hon. Member for Totnes explaining why that had happened, but I am concerned to know what efforts the Government are making to find out from local authorities what went wrong.

Mr. Steen: They cannot do anything.

Lynne Featherstone: The hon. Gentleman may say that, but that must be a defeatist attitude. Why did authorities find it so difficult to respond to the needs of such victims? When the hon. Gentleman pressed the Minister on the issue previously, the Government cited confidentiality as a reason why no further investigations were undertaken. Surely, however, nothing should prevent the Government from approaching local authorities and questioning them more generally about the problems of effectively helping the young victims of trafficking.

The borough of Haringey has been mentioned, and I was a councillor there for eight years. I was there at the time of Victoria Climbié's murder, and I am all too familiar with the series of mistakes, omissions and failings on the part of the local authority. There were about 17 such mistakes, and if someone had intervened just once, that terrible, tragic outcome would have been prevented. If we are to avoid such tragedies, it is vital that we learn from local authorities' failings, and I hope that the Government are willing to learn from the experience of local authorities, which deal with the issue at the coal face How can victim support models be developed without close engagement with local authorities, thus enabling us to learn from front-line services?

I have only two minutes left, so I turn now to the crucial issue of funding, which was mentioned by the hon. Member for Totnes. Projects that are funded specifically to help victims are few and far between, and funding is often guaranteed only for a short period where it does exist. That shows a lack of commitment to the important and ongoing work that such projects do, and I urge the Government to take a longer, strategic view of funding, not a piecemeal approach. In their marathon deliberations on the implementation of the convention, I hope that officials will get around to securing medium to long-term funding structures for such specialised organisations, because the problem cannot be solved with short-term funding that lasts only a couple of years. To build up the expertise and allow best practice to spread, projects of that kind must be given better financial security.

We can have as many action plans, cross-Government official project boards and ministerial groups as we like, but with each day of delay in implementing the key aspects of the convention, children continue to suffer. If the Government can move swiftly to get the Lisbon treaty into domestic law, they can shift a bit on the convention.

10.40 am

James Brokenshire (Hornchurch) (Con): I pay tribute to my hon. Friend the Member for Totnes (Mr. Steen) for securing the debate and for the measured and detailed way in which he set out the problems of child trafficking and the exploitation of children for crime. I pay tribute to him also for his continued work as chairman of the all-party group on the trafficking of women and children, and his tireless efforts to ensure that the matter is brought to the fore, not only by way of consideration in the House, but by an emphasis on the interests of people who are trafficked and on bringing about change in the current insidious situation.

My hon. Friend painted a bleak, disturbing and distressing picture of the life outcomes of the children involved, and the concept of a family being mortgaged in such circumstances is a disturbing one. The fact that children face a life of enslavement at a time in their lives when they should expect to be nurtured, protected and supported is one of the worst, most disturbing and distressing aspects of any system imaginable.

My hon. Friend drew attention to various figures on the extent of the problem. There have been press reports of more than 1,000 Romanian children being trafficked—he mentioned an even higher figure—but clearly the issue is significant and serious, and it is right and proper that we should have the opportunity to debate it this morning. I hope that the Minister will give a favourable response to what has been a balanced and measured debate.

I pay tribute to the right hon. Member for Rotherham (Mr. MacShane) for his indication of support for cross-border co-operation, such as work with the Romanian Government and our European partners. He may try to pigeonhole my party in a particular aspect of working with Europe, but I strongly believe that we need to work with our European partners. The problem is international, and we shall not solve it in isolation.

My hon. Friend the Member for Wellingborough (Mr. Bone) rightly highlighted the sexual exploitation of children. It is horrendous to hear stories of 12-year-olds being trafficked into a life of sexual exploitation and enslavement. Those stories give us a perspective on the real nature of such crimes. It was also right to highlight in that context the excellent Poppy project and the fact that the support and services it provides are not available to people under 18. That issue needs to be addressed and the correct support must be given to people who end up in such horrendous situations of trafficking and sexual exploitation.

The hon. Member for Hornsey and Wood Green (Lynne Featherstone) correctly highlighted the threat of violence against people who are trafficked—another aspect of trafficking that is related to enslavement—and the issue of funding security.

I want to press the Minister on basic child protection and the disappearance from care of children who end up back in the hands of those who trafficked them. The UN report to which my hon. Friend the Member for Wellingborough referred picked that up and highlighted the number of children who end up in care and then disappear to goodness only knows where. We heard in the debate how those children can reappear in a short time with different identities in different situations.

Research published by UNICEF shows that, in an 18-month period, 330 children were believed to have been trafficked into the UK and that 183 of them went missing from the care of social services. The Minister has been pressed on that point before. During the debate on people trafficking on 16 January, he said:

> "A number of children whom we believe have been trafficked come into the care of the state and then go missing. That is unacceptable for all of us, and it gives us a policy dilemma in respect of what we should do."

He added:

> "We have issued and updated guidance to local authorities."—[*Official Report*, 16 January 2008; Vol. 470, c. 1005.]

[James Brokenshire]

I suggest to the Minister that we are looking for more than guidance if we are to make a real difference and to put child protection to the fore. A horrendous situation exists in which children come into the protection of the state, but the state cannot deliver on its obligations to them; they should be protected.

A question arises with respect to what checks are done in relation to family members. In certain circumstances, children, having been arrested, are handed back to family members, but there is some evidence to suggest that those family members are not relatives but part of the criminal gangs. I should be interested to hear what checks are carried out to ensure that children are not being handed back to the criminal gangs that want to continue to exploit them.

Operations such as Operation Pentameter and the current Operation Pentameter 2 deal with the sex trade, but does their scope need to be broadened to take account of children who are being trafficked not just for sex but for other exploitation?

In the context of recent events, it is right to focus, as my hon. Friend the Member for Totnes did, on the Roma community and the significant issues that arise in that connection, but other children are being trafficked and exploited. Another example concerns the Vietnamese community and the cannabis factories that are being raided at the moment, and there are findings of children being exploited, misused and abused.

I think that it is agreed that the most effective mechanism to deal with the issue is to find ways of sending children back. I was quite disturbed when my hon. Friend commented on the three children awaiting deportation for three months because people are waiting for Ministers to sign the matter off. I urge the Minister to look into that, because such a hold up is disgraceful.

I understand that the Home Office has set up a working group to find out how children can be sent back to Romania within the constraints of the European treaty, but as we have heard from the right hon. Member for Rotherham, there should be no such constraints. I should be interested to hear what the working group is doing and what problems have apparently been identified that might prevent such action. Clearly, there is a need for greater debate, and more discussions and connections with the Romanian authorities. We do not want those children, once sent back to their country of origin, to return to what my hon. Friend described as the mortgaged state of enslavement and to end up back here shortly afterwards. What arrangements are being made to ensure that, if they are returned, the children will not simply be re-trafficked?

Conservative Members have highlighted the need for swift adoption and ratification of the Council of Europe convention on action against trafficking in human beings. Again, I urge the Minister to press ahead with that and to identify the necessary mechanisms, whether under secondary or primary legislation. He has our assurance that we want that delivered as quickly as possible. We also need to deliver on other practical measures to ensure that proper checks are made at borders, that we have a robust and effective border police force and that interviews of minors travelling with relatives are undertaken. These very serious issues deserve real focus and attention, on which I hope for more than just words. I want action taken to protect the children most in need.

10.50 am

The Parliamentary Under-Secretary of State for the Home Department (Mr. Vernon Coaker): I congratulate the hon. Member for Totnes (Mr. Steen) on securing this important debate and welcome all hon. Members present. We exchange our views and opinions on this important matter regularly, which is extremely important. I pay particular tribute to the hon. Gentleman, the hon. Member for Wellingborough (Mr. Bone) and other members of the all-party group on trafficking of women and children for the work that they do. I also pay tribute to my right hon. Friend the Member for Rotherham (Mr. MacShane), who challenges me regularly on these matters. As hon. Members have rightly pointed out, we have made considerable progress on the matter, whatever the challenges that remain. This debate has often shown Parliament at its best in driving forward together to find solutions to a common problem that we all find horrendous. We must continue with that cross-party effort. Furthermore, I thank hon. Members for their comments about me and can reassure everyone that I shall drive the matter forward.

I intend to answer quickly a number of the points raised today and then come on to some concrete actions at the end of my remarks.

Mr. Steen: Can we come and see the Minister again?

Mr. Coaker: Of course. I am always willing to see people. If the hon. Gentleman wishes to ring my office and arrange that, it is absolutely fine.

If hon. Members do not mind, in running through some of the points that were made, I shall be brief, given the time available. I stress the point made by others that the problem is with criminality rather than particular groups of people. For example, we are not stigmatising all Romanians. As the hon. Member for Totnes pointed out, the crimes committed by such children are concentrated in certain areas, and police have taken robust and effective action, in partnership with others. Our intelligence suggests—the exact number is difficult to know—that there are about 180 such children involved in criminal activity in the UK.

I can reassure the hon. Gentleman that the United Kingdom Human Trafficking Centre is building a database to record all victims of trafficking—I think that he asked about that—which should help us to identify such children. The UKHTC will also co-ordinate research on trafficking, and a UK threat assessment is being carried out by the Serious Organised Crime Agency, which will cover threats from criminal gangs that force children to undertake criminal activity. Some of the information that he provided came from that threat assessment. However, it is work in progress and more needs to be done.

Roma families can claim benefits, but the fact that they are Roma is not relevant. They have no automatic entitlement to welfare benefits and in many cases would not be entitled. To answer another point, we do not record claims for benefits on the basis of nationality.

Many Members mentioned the role of local authorities. We discuss such matters at great length with local authorities, particularly Slough borough council, which I commend for the work that it has done. We give more than £140 million to local authorities to deal with unaccompanied asylum-seeking children, and victims of trafficking are dealt with out of that budget.

The question of what to do with trafficked children who come under the care of the state raises fundamentally difficult issues. I shall put a scenario to hon. Members: if a year ago, or even six months ago, anybody had suggested that, as a solution to the problem of children going missing from care, those children should be locked up or put in a secure environment, the response would have been fundamentally different from those being given today. People are now so alarmed about the difficulty that the state has in securing the safety of those children that they are considering alternatives that they might not have considered just a few months ago. We are actively considering how to keep children safe in that environment.

We also think that instead of creating secure environments, maybe we should try to make environments more secure. I thank Chris Beddoe from ECPAT for that point. Although it might sound like we are playing with words, it takes the emphasis off jailing children who have done nothing wrong, which is a caricature that risks being painted, if we are not careful.

We published a document last week, one aspect of which dealt with the trafficking of children. We said that we would consider the establishment of specialist local authorities to deal with the care and support of children who are victims of trafficking. We thought that instead of having a multiplicity of local authorities across the country, we could have specialist local authorities. The numbers have not been determined, but we are considering perhaps 40 across the country. However, we are certainly looking to develop that work.

We have published new guidance on child trafficking. The hon. Member for Totnes asked about legal advice that I might have received on exploitation legislation. Generally, where an adult encourages or pressurises a child into committing a criminal offence, he may commit an offence of aiding and abetting. Furthermore, aiding and abetting includes procuring an offence by endeavour—to cause or seek to cause the person to commit an offence—which could include a person being forced, threatened or coerced into committing a crime. There might be ways, therefore, in which we can move forward on that.

We are talking to European colleagues about the integration of the Roma community, which is an important point, and we are considering the repatriation of children. Furthermore, we are trying to work with authorities overseas and looking at assessments of reception facilities in Romania and elsewhere. We have carried out major checks of, and made improvements to, the process by which children cross borders, whether from outside or within the EU. As we know, Paladin teams have been established at five locations and we are always looking to see what more we can do on that.

My right hon. Friend the Member for Rotherham raised the problem of honour killings and forced marriages, which are hugely important issues. As he knows, the Home Office and Foreign and Commonwealth Office have established the forced marriage unit. Clearly we need to do more on that and we will. Sexual exploitation is another important issue, the demand for which we need to tackle. He will know that we are looking into that as well.

The hon. Member for Wellingborough rightly mentioned the good work of various non-governmental organisations. On the issue of stopping children at the border, all children and adults who are not nationals of the European economic area are routinely interviewed separately, unless they are closely related. On the EEA channel, where there is a suspicion of trafficking, separate interviews are conducted. Since 2006, leaflets have been available for both EEA and non-EEA nationals explaining that officers might seek to establish the relationship between children and the adult accompanying them. However, he is right to point out that we must continue to be aware of that problem.

The hon. Member for Hornsey and Wood Green (Lynne Featherstone) will know that we are looking to ratify the Council of Europe convention as quickly as possible. I am also pleased to highlight the review of the reservation in the UN convention on the rights of the child. The hon. Member for Hornchurch (James Brokenshire) mentioned cannabis farms, which is an extremely important point. I also point out the issue of internal trafficking, which was highlighted recently by Operation Glover in South Yorkshire, where young children were being trafficked.

It is important in such debates that I say what I intend to do next. As a result of this debate, I shall meet again with the police to discuss criminal activity and with the Minister for Borders and Immigration to discuss individual cases and other points that were made. I am visiting Albania, Romania and Bulgaria in the near future and will speak to their ambassadors. Furthermore, the ministerial group will discuss this matter as an agenda item at its next meeting; it will be discussed both in the inter-ministerial group and in the meeting with stakeholders. I am also going to Vienna next week when I shall again raise the issue. I hope that those practical points will help to move the debate forward and I look forward to meeting with the hon. Member for Totnes in due course.

Dorset Fire and Rescue Service

11 am

Mr. Robert Syms (Poole) (Con): This subject is important for my constituents and for the county. My right hon. Friend the Member for West Dorset (Mr. Letwin) cannot be present, because he is down in Dorset, but I am pleased to see my hon. Friends the Members for Bournemouth, West (Sir John Butterfill), for Bournemouth, East (Mr. Ellwood) and for North Dorset (Mr. Walter) here to support me in today's debate. That shows, as I am sure that the Minister knows—*[Interruption.]*

Frank Cook (in the Chair): Order. May I ask hon. and right hon. Members to vacate the Chamber, please, while they continue their personal conversations?

Mr. Syms: The attendance of my hon. Friends shows, as the Minister knows, the strength of feeling among many hon. Members from all parties about the funding settlement. The three-year comprehensive spending review has been announced, and the increases for Dorset fire authority amount to only 1, 0.5 and 1 per cent. over the three years, which compares with the average for fire and rescue authorities of 2.4, 1.4 and 1.4 per cent. There is also a wide variety of grants over the three-year period of between 2 and 18 per cent., so money is going somewhere, but it is certainly not going to Dorset.

The settlement means cuts for Dorset however one looks at it, which is one reason why my colleagues and I went to see the Minister. We were courteously received on 7 December 2007, when we put our case for more funding. Following that, the Minister asked us for more information, which was sent to him, but I understand that the authority has not had an answer yet to one or two points, so I hope that the Minister will address the points that the authority made at that meeting. On Thursday 24 January, the Government confirmed that there would be no change to the grant, so it looks like Dorset is locked in for three tough years. The authority had assumed for its planning purposes 2 per cent. growth over that period, but because it will not receive that funding, the shortfalls will be £278,000 in 2008-09, £437,000 in 2009-10 and £547,000 in 2010-11 compared with its projections.

Dorset is a large and beautiful rural county, but we also have a large urban population, which is centred on the towns of Poole, Bournemouth and Christchurch. Outside Bristol, Dorset comprises the largest conurbation in the south-west, which presents great challenges to the fire and rescue service. Dorset has a number of special features. It is a premier holiday destination, and the major influx of summer visitors increases the population to about 900,000, which increases demands on the fire and rescue service.

Dorset has the second highest percentage of retired people in the country, with 27 per cent. of the Dorset population being of pensionable age, which also presents challenges. The area also has a great deal of house building and housing growth, which inevitably puts larger demands on the fire and rescue service. Elderly people are the least likely to experience a fire, but when they do, it is the most likely category of fire to end in tragedy. There have been several incidents in recent years, and the county is doing much to ensure that smoke alarms and other preventive work is carried out, but the elderly population are a major challenge.

We also have high housing costs. All my colleagues are aware of how high housing costs are in the area, and those costs lead to houses in multiple occupation, which add to the pressure. There are many HMOs in urban areas in particular, and the risk of fire in them is high.

In Dorset, there are many commuters and a great deal of holiday traffic, which provides a major boost to the population, and there is also a high number of thatched properties. When I drive through the beautiful villages in the constituency of my hon. Friend the Member for North Dorset, I see many beautiful thatched cottages, but if they catch fire, it is important to get a fire engine there as quickly as possible. The situation creates special challenges. In an earlier life, I was on the fire authority in Wiltshire, and the fire brigade used to show us a video of the big fires from the previous three months, in which thatched cottages always seemed to feature.

We have all enjoyed visiting Dorset, because it is a major centre for political conferences, but there is also major heathland, which must be looked after and where there are sometimes fires. We have Winfrith nuclear research centre, Bournemouth international airport, Wytch Farm BP refinery, and large petroleum depots, including the Ministry of Defence petroleum storage facility at West Moors, which is the largest canned fuel storage depot in the UK. Dorset will also be the second-largest venue for the Olympics, because of the yachting, which will present special challenges to the authority.

Dorset fire authority is not a large authority. It comprises about 800 people only, including firefighters and support staff. There are only 41 front-line fire engines, 34 of which are retained and seven of which are full time. The Minister knows that the efficiency of counties such as Dorset is based on the retained volunteers who allow firefighting to take place at a competitive rate, so with only seven full-time appliances, there is limited scope for the authority to make major savings.

The service, notwithstanding its poor funding, is a good performer, as the comprehensive spending assessment 2005 noted.

Mr. Tobias Ellwood (Bournemouth, East) (Con): On that point, I have tried to raise the issue of performance with the Minister. I have written to him seeking a meeting, but he has not replied to me yet. Dorset's cost per head means that it is the cheapest fire and rescue service in the country, so does my hon. Friend agree that the cuts are now going too far? With an 85 per cent. retained—voluntary—service, up to six of the 26 fire stations may be forced to shut because of the cuts that we must now endure.

Mr. Syms: My hon. Friend has made a good point. In 2007-08, in real terms, Dorset fire and rescue service received only £15.04 revenue support grant funding per head of population, compared with the average of just under £19. Of the 24 combined fire authorities, Dorset's grant is the third lowest. Expenditure per head of population is measured by the BVPI 150—I do not

know what that means, but it sounds very impressive—at £30.50, which is the second-lowest figure out of the 48 English fire and rescue services. Dorset's service provides good value for money.

The Audit Commission has noted that Dorset fire and rescue service has comparatively low budgets and costs per head of population and that it achieves good overall performance. As my hon. Friend the Member for Bournemouth, East has pointed out, it is not a top-heavy service in terms of officers, it has very few full-time stations, and it must cover many hundreds of miles and a major urban area, all of which present major challenges.

Dorset fire and rescue service's budgets are all zero-based, and the authority is extremely good at ensuring that it gets value for money. I know many members of the authority, and they are proud of what they manage to do, but the settlement will cause major difficulties. The authority has managed to keep council tax increases within 5 per cent., but the settlement provides challenges, and if the Minister is not going to surprise us with additional resources for this year, next year and the year after, there is the other issue of whether the authority will be capped. The authority has taken soundings from among the public, who put the issue of fire safety and cover high up the agenda, and may be willing to pay a bit extra to keep some of the fire stations online and all full-time stations working.

The settlement means that the authority faces a real challenge. The Government are pushing forward a great deal of the fire agenda, much of which requires investment. The fire safety initiatives, which we all welcome, will provide difficulties, and we have already mentioned the problem of crews and how savings can be made. Some 80 per cent. of the service's budget goes on salaries, and the only way in which one can cut the figures that we have discussed is by cutting manpower, some of which would have to be at the sharp end.

There are seven whole-time fire engines to provide cover largely in Bournemouth and Poole, but also in Weymouth, and many of us fear that the authority will have to look hard at whether to keep them. In the meeting with the Minister, concerns were expressed by other hon. Members who cannot be here today about fire stations in their constituencies. Of course, that has a lot to do with the national framework.

The brigade does other things that are welcome. It works with children who have got themselves into difficulty by focusing them and getting them into fire stations to do particular tasks, which has been greatly welcomed. It also does something else that is to be much commended. There is an organisation called Streetwise in the constituency of my hon. Friend the Member for Bournemouth, West, which warns children about the dangers of roads and various other things in order to make things safer for them. The fire brigade funds 14,000 children through the organisation's safety centre, which is a national asset that many people appreciate. It does what we all ought to do—it prevents accidents involving children.

Sir John Butterfill (Bournemouth, West) (Con) *rose—*

Mr. Syms: I know that my hon. Friend is president of the organisation, and I am happy to take his intervention.

Sir John Butterfill: I am not its president, but I am a trustee. Streetwise is a unique concept funded by three local authorities—Poole, Bournemouth and Dorset county council—the fire service and the police, together with charitable donations, which I try to help whip up with some recent success. We have built in a large warehouse a miniature village street with shops, houses and even a railway station, for which we managed to get the rail people to give us an engine.

All the local schoolchildren in Dorset go there at a certain age and are taught the dangers that exist in the home, on the street, on the heathland, in railway areas and elsewhere. In particular, they are taught fire and general safety. It is an enormously successful operation and the Government are very much in favour of it and want it to be rolled out all over the country, and we have been helping other authorities to do that. The fire service will not be able to continue its funding for that important organisation, which is to be visited tomorrow by the Princess Royal.

Mr. Syms: I thank my hon. Friend for that brief and comprehensive explanation of that asset in his constituency, which is an asset for all of us in Dorset. All local Members of Parliament are regularly invited to visit and see what progress is being made. The matter will have to be considered by those who are running Dorset fire and rescue, because money is tight. It is an initiative that is certainly worthy of my hon. Friend's comments.

I have mentioned the Olympics. There will have to be some investment in advance, I know that the fire service has approached the Olympic delivery organisations for funds, including the police authority and the county council. It is not getting much joy at the moment, but investment needs to be made.

Mr. Ellwood: The chief fire officer, Darran Gunter, who has been helpful in providing us with information, has made it clear that when the Olympics come around, he will have responsibility from a safety perspective for all the ocean-going yachts and the activities that take place on the water outside Weymouth. The Dorset fire and rescue service does not own one boat, yet the Government are cutting the budget. How on earth is it supposed to carry out its task?

Mr. Syms: My hon. Friend has raised an important matter. A water-borne firefighting capacity will need to be developed to deliver the 2012 Olympics in Dorset.

I hope that I have clearly set out the fact that we have an efficient brigade that is run predominantly with retained firemen and that is not highly funded, but that still delivers good performance. It faces real budget challenges in the next three years, which means that worthwhile initiatives may have to be reviewed. We may lose a whole-time fire station in order to make economies. All of us in a large and beautiful rural county are concerned about the future of our fire service. I know that the Minister courteously received us at his Department and has listened carefully to the debate, and I hope that he will dwell on the case that my hon. Friends and I have made.

11.15 am

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Parmjit Dhanda): I congratulate the hon. Member for Poole (Mr. Syms) not just on securing the debate, but on the

[Mr. Parmjit Dhanda]

measured way in which he has put his points across, not just today but when I met him and many of his colleagues who were able to attend on 18 December; it was an all-party delegation, and my hon. Friend the Minister for Schools and Learners was there.

It is good to see you in the Chair, Mr. Cook. I know that you take the matter seriously with regard to the fire authority in your part of the world. I regularly read your comments on fire service settlements in your local media.

I turn to funding for Dorset fire and rescue service. It will receive grants of £10.8 million in 2008-09, £10.9 million in 2009-10 and £11 million in 2010-11. As the hon. Gentleman said, those are increases of 1.5, 0.5 and 1 per cent. The floor mechanism that protects authorities from low settlements will enable Dorset to benefit in the first two years from upratings of £296,000 and £80,000. The hon. Gentleman will understand that there have been many submissions from around the country about whether the floors should stay where they are or be raised or lowered, but they will benefit Dorset in that respect.

Mr. Ellwood: Will the Minister give way?

Mr. Dhanda: I shall give way to the hon. Gentleman in a moment, but I was just going to comment on his point about retained firefighters, who are important professional members of our community, not volunteers. It is important to get that point across. I shall also go into a little more detail about the budget increase. It is not a cut; it is an increase. As I have said to the hon. Gentleman, I accept that it is a tight package to deal with in the next three years, although I hope that the three-year settlement will provide some stability.

Mr. Ellwood: I am grateful to the Minister, but "tight" is not the right description. "Unworkable" and "wrong" are better descriptions. Will he explain what Dorset could have done to copy Nottinghamshire, which will have an increase of 17 per cent.? What did we do wrong not to get that sort of increase? Why have we been hit with a simple increase of 2.5 per cent., which is completely unworkable, as we have heard?

Mr. Dhanda: I shall explain the system that is in place and the measures that are taken into account in the formula. On cuts versus increases and the three-year programme, I shall not revisit the arguments of the past about the effective 45 per cent. increases, from when the Government came to office until 2011, compared with the real-terms cuts before then. I want to make progress and say some positive things to the hon. Member for Poole about how to take matters forward, not least on the Olympics.

Mr. Robert Walter (North Dorset) (Con): Will the Minister give way?

Mr. Dhanda: I shall give way, but then I need to make a little progress, because it is important that we get into some of the detail.

Mr. Walter: Absolutely. Will the Minister tell me why a combined fire authority, such as Dorset, gets a much lower percentage increase settlement that one such as his own in Gloucestershire, which is a county authority?

Mr. Dhanda: I shall happily come to that when I talk about the formula in a couple of moments.

The authority has benefited in the past from additional resources from the new dimension programme. As a result, it has been provided with an instant response unit and a high-volume pump. The programme is worth about £200 million across the country and is additional to everything else that is happening for our fire and rescue services. That piece of kit has been particularly useful in recent months, as our fire and rescue service meets some of the new challenges that we are likely to see more of, not least flooding.

In addition to the significant investment made through the new dimension programme to equip fire and rescue authorities to deal with major incidents, Dorset has received more than £375,000 in grant funding to support training for and the accommodation of new dimension equipment. We anticipate that there will be further funding of that nature for Dorset.

Dorset fire and rescue service is also set to benefit from Government investment in the Dorset emergency services partnership initiative. That is an excellent example of partnership working between local fire and police authorities. I understand that the project is well into its construction phase. It will provide a police headquarters in Poole, a fire and rescue headquarters and fire station at Poundbury, near Dorchester, and a further fire station at Marshes End. In all, a £57.38 million private finance initiative credit has been allocated by the Government to fund the capital elements of that scheme.

We are providing fire and rescue services with additional funding on top of their allocations of formula grant. Dorset and the other authorities will receive shares of £35 million and £45 million of capital grant in 2009-10 and 2010-11. Obviously, the breakdown of that money has still to be calculated, but it is important to remember that, as tight as the settlement is, capital resources make a real difference on the ground.

In addition to the funding that I have outlined, we are providing about £1 billion in additional investment to assist fire and rescue authorities through national projects such as Firelink and Firecontrol, which will deliver a more resilient control system. They will also deliver a wide area radio network across the fire and rescue service that supports the service in responding to major emergencies, including natural disasters, industrial accidents and terrorist incidents.

I made a commitment to the hon. Member for Poole when we met in December, when he referred specifically to the Olympics. I have asked my chief fire adviser, Sir Ken Knight, to engage with the chief fire officer in Dorset to consider resilience issues in relation to the Olympics. He is quite happy to do that, and I look forward to seeing that engagement soon.

We are committed to funding any net new burdens that arise from the fire and resilience programme. We expect all authorities to continue to make efficiency savings to improve service and provide value for money. Like all public services, the fire and rescue service must

meet the expectations of taxpayers and Parliament on continued improvement and value for money. We have set the fire and rescue service a different efficiency savings target from the rest of local government. It is expected to achieve savings of £110 million over the three-year spending review period. That is about 1.6 per cent. a year, compared with 2.5 per cent. a year for local authorities. The target recognises that the fire and rescue service does not have large administrative functions that can achieve efficiencies through business process re-engineering in the same way that local government can. Dorset fire and rescue authority reports that it achieved cumulative savings of £411,000 in 2005-06 and £985,000 in 2006-07.

Mr. Ellwood: The Minister has been generous in allowing Members to intervene, but he still has not answered my basic question about why Gloucestershire and Nottinghamshire are receiving increases of 5.8 and 17 per cent. respectively, whereas Dorset, which is the most efficient fire and rescue service per head of population in the country, is getting an increase of only 2.5 per cent.

Mr. Dhanda: I was coming to that. The formula takes into consideration population, poverty indices and coastline. I appreciate the comments of the hon. Member for Poole about its being a holiday destination and about the difficulties and challenges attached to that. That consideration has benefited Poole. I have looked at the increases of recent years. The hon. Member for Bournemouth, East (Mr. Ellwood) talks about Gloucestershire, but I am sure that it, like every other authority in the land, would like an even better settlement. In recent years, the Dorset settlement has been 3.75 per cent. in 2004-05, 4.1 per cent. in 2005-06, and 2.7 per cent. in both 2006-07 and 2007-08. Those are all above-inflation increases, but it is a tight settlement.

Sir John Butterfill: Will the Minister confirm that the formula is devised on statistics produced by the university of Warwick that are regarded locally as being badly out of date and as not taking into account the cost of living in the conurbation in particular? In the statistics, Dorset is considered as though it is part of the whole south-west, thus distorting the figures that apply to us in the south-east Dorset conurbation.

Mr. Dhanda: I understand that Dorset is taken into account as a locality, but, as with every formula, there will be people who approve of some aspects and disapprove of others. It is right and proper for us to review the formula, and later this year, we will start a process, with the Local Government Association, to consider the formula for future years. I am sure that Dorset and other authorities will want to be part of that process.

The recent Audit Commission report on the performance of the fire and rescue service found that all authorities are achieving efficiency savings, but that no service is achieving its top rating in providing value for money to the communities that it serves. Fire services need to address more complex efficiency issues, such as matching resources to risk and demand.

Mr. Walter: I am pleased that the Minister mentioned the Audit Commission's report, because it said that Dorset fire and rescue service

"has the highest percentage of indicators in the top quartile nationally".

It was also the commission's No. 1 case study for high performance and good customer satisfaction. Is that not worth something?

Mr. Dhanda: It is worth a lot in my book, but it is not an aspect that is utilised for the formula. The hon. Gentleman will be aware that we have had a range of representations from across the country on the best fit for the formula. Some authorities will be happy and some will be less happy with how the cake is cut. The right thing for us to do is to review these matters over the years. We will go into a process of doing that with the LGA, and I am sure that Members of Parliament and their local authorities will want to be involved and will make submissions and representations.

I am pleased that Dorset is making good and sustained progress in delivering positive results for its communities, particularly for people with disabilities and for children and young people. The hon. Member for Bournemouth, West (Sir John Butterfill) mentioned Streetwise; he has mentioned it to me before, and I know that it is a good initiative. We want to change the fire and rescue service, so that it does more of that kind of community work. In recent years, it has undergone a transformation and modernisation. We now have the lowest number of fire deaths since 1958, and there have been massive reductions in house fires in recent years not only in Poole, but right across the country. We must continue to reform the service and to work with our hard-working firefighters, whether full-time or retained, to continue to make those improvements for the long-term.

11.30 am

Sitting suspended until half-past Two o'clock.

Waste Recycling

2.30 pm

Dr. Ian Gibson (Norwich, North) (Lab): It is a delight to be speaking under your tutelage again, Mr. Cook. I am sure that you will keep us in order and tell us when to stop talking and move on.

Waste recycling excites the membership of the Norwich Labour party general committee much more than issues such as the bugging of the odd MP's conversation or MPs' expenses, on which we go rather quiet. If someone mentions recycling, everyone is an expert. Everybody uses it and knows something about it—people know where it is done better or worse, which country is best and so on. That is exciting, because it means that people care about how society gets rid of its waste, and, gosh, there is a lot of it around. We see packaging outside supermarkets—we saw it strewn all over College green yesterday afternoon—and wherever one looks, there is waste paper, waste resources and packets, so we have taken up the issue of how to prevent it.

I shall not go back to 20,000 BC, when activity was first recorded in this area. I shall not give a 20-lecture course on the subject, although once I got into it, I could see 20 lectures looming. Who knows, if things go wrong at the next election, that is where it might all end up—a nice little lectureship somewhere, perhaps Oxford, talking about waste recycling.

The passion is there, and it has been much amplified by the Government in the past few years. We have recognised that landfill is not sustainable. There are various estimates of how long landfill space will last in this country; for example, the Local Government Association has said that it will last for less than nine years.

There is real concern about recycling hazardous material. If toxic materials are dumped, it is easy for them to cause environmental problems. It was only in 1970 that recycling and its relationship to the environment were highlighted in the political life of this country. Mobile phones should be discarded in the right place and not just thrown behind a hedge. The batteries contain substances such as cadmium, palladium, beryllium and lead, all of which could be deposited in landfill and would, of course, contaminate the soil and cause various environmental dangers.

I want to pay a compliment to the Royal Society of Chemistry, which has probably inundated hon. Members with information about the research that it is doing on green product design, domestic waste, water waste, electronics waste and energy production waste, and the kind of research and technology that it is developing through its skilled membership—chemists and others—to try to handle these problems. This is a growing field with lots to learn and lots being done, and I shall amplify that point.

Of course, the key issue is the effect of waste on climate change. Most countries now accept that reducing carbon dioxide emissions is absolutely important to people's welfare not only in the next few years but now and very much in the future. That has contributed much to the recycling debate. Whenever one talks about recycling, it is not long before somebody talks about climate change.

Recycling old materials obviously uses less energy and creates less CO_2 than extracting new: 1 kg of aluminium saves approximately 11 kg of carbon, and 75 per cent. less energy is needed to make something out of recycled steel than to make it out of new. All in all, it is said that recycling in Britain reduces the nation's carbon emissions by about 10 million to 15 million tonnes, which is no mean feat.

The United Kingdom dumps more waste in landfill sites than other European countries—it has been estimated that 22 million tonnes are dumped. Our record is not as good as that of other European countries, but recording the data develops arguments about how we measure progress. I was excited by this debate and went with two of my workers in the Norwich office to look at a site just outside Norwich, at a place called Costessey—they pronounce things differently in Norwich. We saw how the council is surging ahead and improving its percentage standards; we saw the lorries coming in with the rubbish and being weighed; and we saw bales of recycled paper and so on being transported not only to other parts of the United Kingdom but to the world.

We now recycle more than 23 per cent. of our household waste, which we have been very positive about, but it has been estimated that 60 to 70 per cent. of all household waste could be recycled. According to official figures, we still lag behind Germany, Holland and Belgium, where more than 50 per cent. of household waste is recycled, but that does not mean that we will not catch them up very quickly.

Of course, people have questioned certain practices. There are numerous examples of councils sending waste to China and India, which involves CO_2 emissions. Some of those ships have come from there and would have to go back, so we are not adding to emissions in that sense, but we are certainly not handling the problem here in the United Kingdom. We want to know whether waste is recycled once it reaches those countries, and whether the quality of the recycled material is low or high. That factor must be considered in any assessment of how well we are doing, or in comparing ourselves with other countries or comparing different parts of our own country. Once markets develop in areas such as China and India, there will no longer be a demand for poor quality, contaminated waste, and we will have to do something ourselves about the problem. The future will be challenging on that front.

The Government have taken a positive approach and have ambitious targets—40 per cent. in 2010, 45 per cent. in 2015 and 50 per cent. in 2020. We want to ensure that support is given to local councils, which handle such matters, so that they can reach the targets. There are no penalties involved, but there is incitement to do something, to take up the challenge and to see how recycling can be done. That requires local leadership and looking at best practice in different parts of the country. Of course, I would say that Norwich is well up there in the top three. It is in bronze position, but aiming for the gold standard. That approach involves not only Norwich, but all the councils in the Norfolk area—all seven of them—working together in a kind of partnership, which I shall discuss later. The forthcoming Climate Change Bill will give us a chance to look at the issue in depth, and to use financial incentives at council level to encourage greater recycling. There are examples of that in Switzerland.

In this country, the landfill tax has been a major incitement to getting on with the job of recycling. It went up by £1 a year from 1999 and £3 a year from 2005, and it is due to increase by £8 a year from this April, which was announced in the last Budget.

Mobile phones are being added to the waste electrical and electronic equipment regulations to prevent phones from ending up in landfills and thereby polluting the environment. Those are some of the positive things that are happening. If one wants to dispose of a mobile phone, there is now a mechanism that involves phoning the local council to get rid of it. Of course, some of our young people want to get rid of a phone every week, which is a problem in itself. I just have to say quickly that I heard somebody the other night around the corner from their home phoning their Mum to run the bath water. Mobile phone conversations reach great heights, and one can understand the necessity of people changing their phone every week to ensure that Mum gets important messages.

The Minister said on 2 January that councils are

"helping in our battle against dangerous climate change"

with their recycling efforts. On 15 November, she stated:

"The case for reducing the amount of waste we all produce is clear – it is damaging the environment and contributing to climate change."

We are all on board and things are beginning to move.

David Taylor (North-West Leicestershire) (Lab/Co-op): I congratulate my hon. Friend on obtaining this debate. This is almost like an away day for the second floor of Portcullis House, in that the Minister, the initiator of the debate and I are all immediate neighbours. My hon. Friend has focused on the domestic and the local, but there is a national strategy, and we also need to look at business. The Government have had a great deal of success over the past three years with their national industrial symbiosis programme, which diverts waste from landfill at 13p a tonne and reduces carbon dioxide by a similar amount for similar reductions. Does my hon. Friend agree that it is important to sustain that sort of investment, which is a classic example of best practice in Government projects at work?

Dr. Gibson: Of course I agree, but I am beginning to think that my hon. Friend has got hold of my notes, because that is exactly what I was about to move on to. The Portcullis House paranoia continues, because other hon. Members who are based in Portcullis House are in the Chamber.

Most waste comes from the commercial sector, and much more could be done about that. The treasurer of the business resource and efficiency waste partnership—BREW—has asked the Department for Environment Food and Rural Affairs to develop the programme and to return to businesses £284 million of the additional receipts from increases in landfill tax for three years to encourage and support resource efficiency organisation. That programme is beginning to move forward. The national industrial symbiosis programme, as my hon. Friend has said, brings businesses together to recycle waste and to create a sustainable waste management industry. I will discuss later how that can be taken forward, and whether it will be.

There is still a lack of education among the public. As I make my way to the station every Monday morning, it is interesting to see where young people live. Their green bins, which take bottles, are always absolutely full to the brim with bottles rolling on to the pavement. Outside the houses of nice people like me is one bottle of wine in our poor little empty bin—I joke, of course. Nevertheless, it is interesting to see from their waste bins how people live their lives. One can see that not only from e-mails that are not properly destroyed, but from the sort of wines that people have been drinking. One can almost tell where they got their bottles.

There is a lack of education, because people still do not know what to put in their bins. Our trip to the Costessey plant outside Norwich was precipitated by meeting people at a local fayre—that is how it is spelt in Norfolk villages—and they talked to us about what people put in their bins. In my area, we have two bins, but we are about to have three, as in many other parts of Norwich, because the programme is being rolled out. We were putting the wrong things in the wrong bins, and if we do so we may receive a yellow or red card. That is to educate people and to tell them that they must do better. It is easy to know where to put bottles, but more difficult with yoghurt tubs.

A major lesson in Norfolk—this may seem simplistic—is that we must not flatten cans because of the way in which they are separated from paper and other items. If a flattened can is put into the bin, it does not get taken out by the process, and ends up with newspapers and so on. It was worth going to that marvellous centre to learn something. One can always learn more about recycling.

We had a huge battle about incineration at the same site, and various quangos and groups fought to prevent that. I shall not go into the arguments about dioxins, gases and potential hazards, but the public did not want it, and they will now have an alternative, greener and friendlier destruction process. However, I saw in today's paper that there is a threat that local politicians may be trying, sneakily, to bring back the possibility of incineration. There is a threat of an incineration plant in Suffolk. Incineration is popular with many people but, like wind turbines, there is no guarantee of introducing them, because the public have a feeling about incineration, rightly or wrongly. The public must participate in the process and understand why items must be separated. Open days and trips around recycling plants, of which there are quite a few in Norwich, are good for people to see how the process functions.

There have been consultation papers and co-operation between organisations to try to develop the industry in the United Kingdom. I am proud of the situation in Norwich and Norfolk. At the Costessey plant, I met Bob Wade from Broadland district council and Steve Jenkins, the local authority contract manager at Norfolk Environmental Waste Services Ltd. Throughout Norfolk, recycling figures are high at above 25 per cent. Where they have been low, as they were in Norwich until recently, they have suddenly increased and smashed through the barrier set by DEFRA, which I believe was 20 per cent. How was that done? Paper, cans and bottles are collected every two weeks by a door-to-door service. Garden waste goes into brown bins, and bottles into green. There are banks for textiles, plastics and bottles, and about 20 centres with Tetra Pak banks for apple

[Dr. Gibson]

and orange juice cartons. It is quite exciting to learn about that; and how much waste we produce in society.

There are small differences from one local authority to another, but Norfolk is leading the way. How do we do that? NEWS recycles dry waste, and it has a V-screen, which is a device to separate waste materials by shape. It separates paper from other materials, and newspapers and magazines from mixed paper. Unwanted material goes through electromagnets, and eddy currents separate steel and aluminium. Those materials are bundled and sold in the UK, and they can be seen outside the plant, where they are properly separated and available to produce high-quality products. The plant also handles plastics, and the various materials are used to make newspapers, cans, fibres for plastic containers, fleeces, and even duvets. They can be used to make a range of things, but if waste is not separated properly, a low-grade material is produced with cross-contamination, much of which goes to the far east, where we hope that it is handled properly.

NEWS is an arm of Norfolk county council, but it operates as a private company and receives no direct financial or operational input from the county council. Not only is it economically sustainable, but it makes a profit, which goes back to the council to help with other services. I must declare an interest, because I once did some work on air pollution for NEWS when I worked at the local university. I discussed how far microbes might travel on wind currents across the Norfolk countryside and whether houses in a certain small village would be contaminated and so on. I believe that NEWS used that information in some of its composting endeavours.

Something is happening not only in Norfolk, but throughout the country, and when one sees it at first hand, one feels proud that recycling is part of an important political agenda. All the district and city councils have signed up to NEWS, and they have similar recycling practices and separation. That was initiated by NEWS, which was a group of individuals who were enthusiastic about doing something. NEWS is not a profit-making organisation—none of those individuals is a millionaire—and there are no shares. That is not a Northern Rock situation, because NEWS was just a group of people who believed in climate change, and that leadership, á la Alex Ferguson, is important. When people have a desire to make something happen, they sit down, go through all the problems and manage to get there, and NEWS has done that.

NEWS has a red and yellow card system, with brown bins to recycle compost and green waste. Initially that happened only in some areas, but NEWS has now managed to wheel it out throughout the county. It has alternate weekly collections, and the top recycling councils nationally have introduced alternate weekly collections or other methods. They have increased recycling percentages, and reduced the amount of waste going to landfill.

That is pretty good, and a real start. I was brought up in a culture where waste was thrown over the shoulder, but I live in a very climate-conscious house, and I cannot drop anything without being told, "It goes in there." That is important.

David Taylor: My hon. Friend mentions alternate weekly collections. He will be aware that the Opposition and their pet daily tabloids have run continuous campaigns to suggest that alternate weekly collections are damaging to the health and environment of the neighbourhood and should be ended forthwith. Will he say how important such collections are in Norfolk and Norwich? That type of approach can work and produce high levels of recycling without incurring great costs.

Dr. Gibson: That is absolutely true. I am not saying that it was easy at the start, but it has worked out. People know exactly when the collections take place. They save the material, keep it in different sub-boxes before putting it in the collection cans. It is part of an education. When people really believe in something, they will work through the process. I hope that we do not end up with a weekly collection because it will mean that drinking has increased, and we want to cut that down as well. I do not want people to think, "I must fill up my box this week because they are coming." A little bit of discipline can be quite a good thing, and alternate weekly collections work well.

Gregory Barker (Bexhill and Battle) (Con): Does the hon. Gentleman accept that there is nothing magic about alternate weekly collections? What we must ensure is that each community devises a recycling scheme that is right for that community and does so with due regard to local people's lifestyle and habits. It should not devise a scheme simply because it is under financial duress from central Government. All too often, systems are chosen because of the financial settlement and not because of what is right. In London, I have recyclables collected from my doorstep twice a week. At home in the country, the council has just switched to an alternate weekly collection, not least because of the financial implications of doing anything different. I welcome the driving up of recycling, but alternate weekly collections are only one way of doing that.

Dr. Gibson: I do not think that that is a serious political issue, and we should not score points off each other. As the hon. Gentleman said, it is about what can be achieved in a local community. He may need to have his recyclables collected twice a week in London. He may drink twice as much as someone else.

Gregory Barker: Not just me.

Dr. Gibson: I know. The hon. Gentleman may eat twice as much as well. It is what works for people. This has not been motivated by a financial incentive. Getting the collections to happen in the first place was the main problem in Norfolk. I do not mind whether the collections are once or twice a week as long as we can afford them. The more that recycling takes place, the more money there will be to help the local system to work. Money has to be spent on paying people to collect the recyclables in the early hours of the morning and so on. The more that we can encourage people to recycle, the better it is. That should be our priority, not point scoring. We should not have to say, "We do it twice a week. You only do it once a week." That is a

silly game that we must not get into. The issue is bigger than that, more political, more important and achievable.

Commercial interests in the private sector have been a problem. I visit Asda in Norwich once a month. One week, the bottle banks vanished and three more cars appeared in their place. I will not call that irresponsible, but it shows the kind of attitudes that develop in the supermarket climate. I will say more about that later. The national industrial symbiosis programme has tried to provide businesses with contacts to improve their recycling record. I think that supermarkets have a heck of a lot to do. They produce a lot of packaging and bottle waste. They need to work in partnership in a non-competitive way with a view to saving the planet and harnessing all the extra packaging that they produce. That is what it is all about.

Following the intervention by NISP, some 1,200 tonnes of paper sludge from a paper manufacturer have gone to a worm farm. NISP runs seminars in which it educates people. I welcome that kind of initiative. More and more of it is happening. It does not matter who does it as long as it is getting through to the public and into the business centres and they are taking up the issues.

Plastic bags are a problem. I sat through a Labour party general committee meeting for two-and-a-half hours and listened to how one handles plastic bags in different supermarkets. Behind my house in Norwich, there is a great "green" grocer's shop, which sends some of its profits to the Green party. It sells a very good jute bag, which can be used again and again. That is quite positive. The shop also sell paper bags at knock-down prices.

There is also the case of Modbury in Devon, which became the first plastic bag-free town. Such initiatives illustrate that the spirit is there. Spreading the message is what it is all about. Progress has been piecemeal. Certain sectors of the retail trade do not care about saying, "Do you want to put your newspaper in a bag?" I do not want to put my newspaper in a bag.

Mr. Eric Illsley (Barnsley, Central) (Lab): Before my hon. Friend leaves the point on plastic carrier bags, I just want to say that there is evidence to show that in some areas, such as Ireland, in which there have been attempts to restrict the use of plastic bags, the production of plastic—plastic film and plastic containers—has increased dramatically. In Ireland, when people could not get a carrier bag in supermarkets, they simply bought a plastic bin liner to carry their goods to their vehicles. The life analysis of a plastic bag compared with a paper carrier bag always comes out in favour of the plastic bag.

Dr. Gibson: I do not know whether my hon. Friend is saying that the plastic bag comes out on top in terms of financial cost or cost to the planet.

Mr. Illsley: Both.

Dr. Gibson: That may be the truth. I still think that it is better to reuse a plastic bag than to get another one. There is no substitute for reusing and recycling the same thing. Sainsbury's provides a good example of the cynicism that can be seen in the sector. Anya Hindmarch, the queen of bag land, designed a fashion bag accessory rather than a useful tool for recycling. It was sold at £5 and it can be bought on eBay now for £350. To be seen with one of those bags was really cool and in, and they were sold on the basis of recycling. The idea was that, once 200 or 300 people bought the bag, it would not be a fashion icon any more; everybody would have it. There was a cynicism and salesmanship that went on there, which we must be careful about. We want to reduce, reuse and recycle.

Some countries tax plastic bags. China has abolished them. New York has a different emphasis, compelling the companies that use plastic bags to put in place schemes to recycle them. We need to compare our record with those of other nations, which may take a more interventionist stance. Some small successes have been made in that area. When it comes to industrial recycling, we must ensure that the Government keep making progress. They will need more support, more help and more money. I hope that the Minister will deny the report in *The Guardian* yesterday that stated that the Department for Environment, Food and Rural Affairs will make a 25 per cent. cut to the budget of the waste and resources action programme despite its rather impressive record of saving 4.6 million tonnes of waste from going to landfill, and turning 5 million more people—12 per cent. of the population—into committed recyclers. I hope that the national industrial symbiosis programme and others will be given encouragement.

Let me finish by saying that we must examine many problems in the Government's programme, which I think we can. We have a problem with incinerators that will not go away. We need to provide strong leadership to the local councils and ensure that they are funded for their different programmes. We need to give them more support at any level of recycling to provide new machines, new technology, more of the Royal Society of Chemistry stuff to develop new technologies, the best recycling strategies, and give them the powers to do that.

We should make the targets smarter. Shipping poor-quality products overseas to the far east is not a long-term strategy. We need to examine that. We need to consider the function of organisations such as NEWS. I cannot understand why, if it is a success—I ask the Minister to examine its record and what it has done—we cannot roll out the work of such an organisation throughout the country. We must increase the resources to deal with commercial waste, because that is still a major problem. NISP and WRAP should be maintained and strengthened financially; I hope that they will not be cut back.

We are making progress with very good targets. We can be proud of what we have done on recycling up to now. We are moving in the right direction, although as yet we are a long way from where we want to be. I am proud that I am in a county that is part of the movement to recycle waste, and that I can play a part in that politically and as a citizen. I know that people are worried about claims of a nanny state. I am not too worried about being part of a nanny state if it brings about the saving of the planet and all the advantages that go with the new recycling policy. The concern about the environment and climate change justifies all the efforts that we put in, be they successful or not. We must not allow this opportunity to improve our recycling record to go to waste.

Several hon. Members *rose*—

Frank Cook (in the Chair): Order. This is a 90-minute debate and I am obliged to call the first of the three Front-Bench speakers 30 minutes before its termination, so we have 29 minutes left for comment from the Floor. I ask right hon. and hon. Members who wish to engage in the debate to bear that time limit in mind when making their contribution and when accepting or responding
to interventions.

3.1 pm

Dr. John Pugh (Southport) (LD): Thank you, Mr. Cook; I will bear that in mind. I congratulate the hon. Member for Norwich, North (Dr. Gibson) on introducing this important debate.

I served on the Select Committee that looked into refuse collection, but I have a more personal, eccentric, almost spiritual interest in this topic. I dislike waste: I keep old bits of wood and metal just in case they ever come in useful, which is usually not the case; I discard old clothes with reluctance and sometimes under protest; and I treasure old machinery, keeping it in use in a one-man battle against entropy, seeing such manufactured goods as the embodied mind of old engineers. I even lament the piles of perfectly usable equipment that we see in scrapyards up and down the country. In fact, at the moment I am endeavouring to respray my own vehicle, which is 14 years old and has gone round the clock. I am the sort of person who has an old analogue TV in their garage. Worse still, for 30 years I have treasured a fog lamp from an Austin Westminster, which I am reluctant to throw out in case somebody comes past who wants it—so far, that has not happened, but perhaps if I give it some publicity here, somebody will offer for it.

Thinking about all that, I wonder whether it is rational behaviour, sentiment or signs of incipient insanity—I have not got round to hoarding loose bits of string and paper yet, so I suppose I am not that bad. I believe that the things that I have mentioned constitute useful waste. Being entirely rational, we could define waste sociologically as surplus material or property that we do not want—the richer people are, the more that they have. Then we could divide surplus material—waste, as I have defined it—into what would have a use for someone else, what we can reprocess and what we cannot do either of those things with, which we simply burn or bury. It is the last category that we are now driven to reduce, because either the material decomposes and emits carbon dioxide, methane and so on, which results in environmental damage, or it does not—for example, plastic—in which case it hangs around causing environmental and cosmetic damage.

There is waste that is useful but for which no users are available in any convenient way. There is material that is reprocessable, but the processes through which that is done are not economically viable or worth anybody's time. Outside the developing world, the rag-and-bone trade of Steptoe and Son is not as lucrative as once it was. Now, however, given the environmental imperative, much can be done about the issue.

We can obviously improve networks, enabling demand and supply to come together better—car boot sales, eBay and so on do precisely that. Better communication is also important. For the Government, there is a role through regulation and support for recycling industries, producers and end users to do something about what is and what is not economically viable. That is an extraordinarily important part of the Government's work.

The Government surely have another role, in getting the producers of the stuff—the primary producers; the people who create the stuff that ultimately becomes waste—to refine and reduce their production processes. Clearly, if we were to cut the number of plastics that are produced, we would improve the feasibility of recycling plastics. If we increase the durability of cars, which we have done quite dramatically—we see hardly any rusty cars on the road these days—we do something about the waste at the end. Car manufacturers are now checking that each piece has a use beyond the life of the car.

Such reduced production has a double benefit. If we produce less and industry produces less, we have a double win, because there are fewer emissions. Self-evidently, however, it is not in everybody's interest to do that. Toyota has just cut production of its cars, and Toyotas are some of the most durable cars on the road. It has simply made its cars so durable that people replace them less frequently than they did. If it is not in everybody's interest to have recycling, reuse and reprocessing, there has to be a strong role for the state in encouraging that.

There also has to be, because there will be conflicts of interest, a constant and serious assessment of the costs and benefits of the whole process—a cost-benefit analysis—because false environmental virtue is a possibility. There are green gestures that offer very little in the way of genuine green effects. That might involve lorries loaded with lightweight uncrushed plastic bottles rattling around the country belching out all sorts of emissions. 4x4 owners making the odd trip to the tip with half a dozen bottles or the introduction of heavier packaging and more waste because plastic has been phased out—I am sure that the hon. Member for Barnsley, Central (Mr. Illsley) will make that point later.

Everybody assumes that the key agents—the people who have to sew all that together—are national and local government. They work directly under the landfill directive, which is an effective sledgehammer, but the use of that sledgehammer can lead to environmentally questionable behaviour. I wonder whether authorities collecting garden waste, which can adequately be composted in the garden, is as environmentally defensible as it might be.

There is good and diverse practice. The hon. Member for Norwich, North illustrated that point with examples from his own patch, but the system is not as good as it might be. Across the piece, there is insufficient planning and initiative. The hon. Gentleman made the point that sometimes there is not sufficient engagement by business and in particular by retail business. There is insufficient policy join-up.

I shall illustrate the point with a case from my constituency. We have recently changed to alternate weekly collections, and there has been a huge increase in demand for plastic recycling, because that makes up a big element in the residual bin collection. However, we are locked into a contract with a collector who is not contracted to do that work, who is not funded to do it and who does not have the crushing machinery necessary to do it economically. We have a waste disposal authority

that has no particular plans to reprocess any plastic when it is collected, and I have to say that there is a persistently unhelpful attitude from local supermarkets. We have damned the supermarkets already in the debate. I wrote to them all saying, "What more can you do other than offering space in your car park?" The answer from my local supermarkets was not a lot—in fact, nothing at all.

Thinking ahead to what we will face in the future, a predictable volume of stuff is going into the waste stream, and we can all see it coming. I am thinking of cathode ray tube monitors from computers, analogue TVs, VHS recorders and so on. We understand the waste stream better than ever and can predict what will happen.

We do not have anything other than a patchwork of provision across the country. People say that that is bound to be the case because localism is the name of the game at the moment, and local authorities must decide things as they see fit, according to what their citizens demand. However, even if we agree with that, as I think we largely do, we still need local engagement on the part of national companies—I refer again to the supermarkets—and good Government support for local recycling initiatives, both public and private.

I know that there are problems with state aid rules, but let me give one simple example of what I mean. An innovative firm on the Wirral, not far from me, has set up a factory that uses a mechanism to reprocess CDs and DVDs, which we all receive in huge volumes from newspapers and from organisations that feel that MPs will look at their information. Huge quantities of those CDs and DVDs will end up in the waste stream, and I do not know what happens to them then. In the case of the factory near me, however, CDs and DVDs, which are made from polycarbons, are reprocessed, which is a valuable initiative. It may not necessarily go anywhere, and it would be some time before it was developed across the whole country, but the fact that it has not been developed is a matter of regret. Although we have good practice and a great deal of sound local improvisation, we need the Department for Environment, Food and Rural Affairs to take a strong lead to orchestrate our efforts.

3.11 pm

Mr. Andrew Smith (Oxford, East) (Lab): I congratulate my hon. Friend the Member for Norwich, North (Dr. Gibson) on securing the debate and on his interesting and entertaining speech. I agree with him about the strength of public interest in this important issue and the fact that that is a good sign of public concern about the sustainability of the environment in general. We are all increasingly aware that recycling can make a huge contribution to the conservation of resources and energy, and that must be the first line of defence and action against climate change. As he said, we are making progress, but there is still a long way to go in reducing landfill and in increasing recycling to the level of the best of our European neighbours.

I want to raise a few points by way of questions to the Minister, who is committed to dealing with these issues. First, to follow on from the points raised by my hon. Friend the Member for Norwich, North, will she say more about the action that the Government are taking on commercial and industrial waste, which is an important dimension of the challenge that we face? In particular, has she considered imposing a ban on the landfilling and incineration of material that can be recycled or composted? Looking to the future, those are the sort of issues on which we need to be giving the right signals.

My second concern is about what can be done to improve the recycling of aluminium, which it is particularly important to recycle, given that a lot of energy is needed to produce aluminium from its ore, bauxite. Recycling it would therefore make significant energy savings and help to combat climate change.

That raises the vexed question of incineration, which my hon. Friend mentioned. When municipal waste is incinerated, aluminium in the form of cans, foil and so on is rendered useless and non-recoverable. I would be grateful if the Minister explained how the expansion of incineration can be reconciled with improved rates of aluminium recovery and, indeed, with our concern about climate change.

I would also like to ask the Minister whether she foresees waste incineration, like other industrial processes, being subject to some kind of carbon pricing. In Oxfordshire, the county council proposes to build a 200,000 tonnes a year incinerator. On reasonable assumptions, and using the Government's 2007 shadow price for carbon emissions of £25.50 a tonne, that would result in an annual charge of about £5.1 million, which would rise substantially as the shadow price went up in future years. At the moment, that environmental cost is not factored into the decision on incineration. Does she agree that it should be?

Martin Horwood (Cheltenham) (LD): Does the right hon. Gentleman agree not only that it is right to incorporate the shadow cost of carbon into such calculations, but that the shadow cost that the Government are using is much lower than the one recommended in the Stern report, so the real picture is even worse than he suggests?

Mr. Smith: I take the hon. Gentleman's point, but it would be fair to point out that the Government envisage costs rising significantly in the future, which reinforces my point that we should factor in the real future cost of emissions from burning such volumes of waste in incinerators. Of course, we should take the best independent advice on the appropriate price.

Finally, do the Government intend to encourage, or even force, industry to recycle much more packaging by increasing the targets in the packaging regulations? We are waiting for the Government to make an announcement on that some time soon, and if the Minister is unable to make an announcement this afternoon, it would be helpful if she told us when she will be able to make one.

3.16 pm

Mr. Eric Illsley (Barnsley, Central) (Lab): I congratulate my hon. Friend the Member for Norwich, North (Dr. Gibson) on securing the debate and I am grateful for the opportunity to say a few words in the next few minutes.

I want to follow on from the point on which my right hon. Friend the Member for Oxford, East (Mr. Smith) finished. He mentioned levels of packaging waste, and I

[Mr. Eric Illsley]

should declare an interest as the chairman of the all-party group on the packaging manufacturing industry. My first point on packaging waste is that only 3 per cent. of it goes to landfill, while the rest is recycled or dealt with in other ways. A minimal amount of packaging therefore goes to landfill, and it is difficult to see how increasing the targets will bring any further benefits. We have a bigger problem with household waste and particularly food waste, because we waste about 30 per cent. of the food that we produce, and it all goes to landfill.

My main point, however, relates to recycling systems, which my hon. Friend the Member for Norwich, North mentioned. One problem is that the recycling targets placed on local authorities are completely different from those placed on industry. As we have heard, different systems are in place throughout the country. The good news is that about 98 per cent. of the country is covered by local authority recycling systems, but the problem is that they are all slightly different, and different authorities collect different materials in different parts of the country.

We therefore have different targets. Local authorities are required to collect recycling materials in terms of their tonnage, whereas industry is required to recycle in terms of specific sectors and materials. It does not matter, therefore, how local authorities collect materials, which are simply jumbled up in collection systems throughout the country. When they arrive at industry facilities to be recycled, therefore, they are often unusable, which is why so much is sent to places such as China, as my hon. Friend said. I therefore ask the Minister to look at ways of bringing the recycling systems into sync with the collection systems and of getting local authorities to collect materials in such a way that they can be recycled.

I shall give a couple of examples. My local industry in Barnsley is glass containers, and the first bottle bank, as it was called then, was introduced on 24 April 1977 in Barnsley. We should rename them glass banks, of course, because contrary to the opinion of my hon. Friend the Member for Norwich, North they do not always collect only wine bottles; other glass items can be recycled as well. It was a way of collecting glass to be reused in the glass industry, because glass is a perfectly recyclable product. A glass bottle is melted, and it reconstitutes itself as glass. The problem is that if the colours are mixed together the glass all comes out green. If clear and flint glass or clear and amber glass are mixed, they turn green. Given the number of green bottles that we import into the country from wine-growing areas, we are awash with green glass, and the stuff is unusable for recycling except in road materials.

The quality of what we are now recycling is not very good. One of the biggest glass companies in this country is called Owens-Illinois, which recently bought United Glass. United Glass has a plant at Harlow in Essex, which I visited many years ago to see how it recycled its glass products. Owens-Illinois refuses to use the glass recycled from that plant, even though it owns it, because it is of such poor quality. It goes elsewhere to find a recycler that it wants to use in its glass production. There is thus an idea that we are co-mingling and not getting the synchronisation right between what industry can recycle and what is being collected. We have heard already that some local authorities do not recycle some materials that others will. Plastics is one example of a material that many local authorities will not recycle, although it is a valuable product when it is recycled. We should be doing a lot more to collect and recycle that product.

We need to improve. I have recently been given a press release on behalf of a company called Catalyst, which has made an estimate of what the cost of incineration will be as a consequence of the Government's waste strategy. It states that to meet

> "the Government's objectives, as laid out in their Waste Strategy 2007 paper, the level of incinerated municipal waste will have to increase from 3 million tonnes per year today to 11.5 million tonnes by 2020 – and this requires investment of circa £5 billion in some 50 plants."

Incineration is something that many local authorities do not want on their doorstep, as my hon. Friend the Member for Norwich, North pointed out, but unless we recycle more, because we are running out of landfill, incineration is becoming the only alternative. It will require major investment.

I have one or two final points. The first is about lightweighting. The Government have made much of the idea that industry should lightweight products and packaging. Lightweighting simply means making something lighter. A bottle such as those we have before us today could be made with thinner glass and a certain number of grams of glass could be taken out of the product. It seems a very good idea, and one wonders why industry has not already done it. It would mean that industry used less glass to produce a unit – a bottle. The problem is, on a life cycle analysis, that because the product is lighter it is more fragile, and so in transporting the product the pallets, carriers and containers must be stronger. More energy is used to produce the pallets to carry the lightweighted product, so in the end we do not really save anything through lightweighting.

The plastic bag issue that is coming before Parliament is a popular one. My hon. Friend mentioned the plastic bag-free town in Devon, a local authority has a Bill before Parliament on the issue, and there is talk of China and New York banning plastic bags. Yes, everyone would like a reduction in the number of plastic bags littering our country. However, we must act so as to achieve what we set out to achieve, and not do as Ireland did. The tax on plastic bags meant that people did not buy them, or some supermarkets did not make them available, yet the production of plastic increased, because people found other types of plastic container to use as a substitute. We must encourage people to cut their use, or use alternatives, and not simply ban them outright or tax them, with the result that people look elsewhere to meet their needs.

3.25 pm

Martin Horwood (Cheltenham) (LD): I add my congratulations to those already offered by other hon. Members to the hon. Member for Norwich, North (Dr. Gibson) on securing the debate and, as ever, displaying great technical knowledge of the subject. He is right to highlight our poor position in the international league table on recycling and waste, but he is also right to give credit where it is due to the Government for some important initiatives.

There is a question that politicians are always asked at the hustings, which they slightly dread, about which of their opponents' policies they support. My two stock answers—with respect to the Government, at least—have always been Sure Start, which I have always thought is an excellent programme for early intervention in children's lives, and the business resource efficiency and waste programme, which is an imaginative programme that has done important work on improving waste resource efficiency and recycling.

The waste strategy contains many positive intentions and ideas, but in general it has not gone far enough. BREW stands out as an initiative that is working very well. I think that the Prime Minister agrees with me, because on a recent visit to China he used the national industrial symbiosis programme as a model, encouraged the Chinese to follow with a similar programme of their own and offered them our expertise in doing so. That programme clearly has the backing of Ministers at a very senior level, which is important, because, as the hon. Member for Norwich, North has stressed, household waste is a minor part of the overall mix—I think that it comprises less than 10 per cent. of UK waste—whereas BREW uniquely addresses commercial and industrial waste.

NISP's performance is certainly dramatic. The hon. Gentleman has quoted some statistics, but NISP says that it has saved UK industry more than £70 million, attracted £66 million in private investment for reprocessing and recycling, diverted 1.7 million tonnes of waste from landfill, eliminated 285,000 tonnes of hazardous waste and reduced carbon dioxide emissions by 2 million tonnes.

NISP has also commissioned independent consultants to look at its performance. Scott Wilson consultants reported last year:

"The Programme's ability to contribute to the seven cross-programme comparable BREW metrics"

if hon. Members will excuse the language—

"puts NISP at the forefront of delivering the economic and environmental benefits to the UK and exceeds any similarly BREW funded programme."

Thus NISP is probably the most effective part of the overall BREW programme.

The waste and resources action programme, which has been mentioned, is a little more difficult to evaluate. It makes great claims about recycling capacity, including the claim that an additional 9.9 million people in England are now committed recyclers. It also claims £182 million of investment levered into the recycling sector from commercial sources and increased industry turnover in the recycling sector of £1.3 billion. Of course, it is not entirely clear how much of that is due to WRAP alone and how much to other factors, but it has done some very specific work with the Olympic Delivery Authority, Sheffield city council schools projects and elsewhere with demonstrable benefit.

In a spirit of cross-party co-operation, I shall quote Conservative-controlled Gloucestershire county council, which credits WRAP with helping it to increase recycling in Gloucestershire by 9 per cent. over the past two years from 21 to 30 per cent. with the help of £467,000 of funding in awareness-raising and public engagement activities. In a less cross-party spirit, the increase might have been a little higher, if Cheltenham borough council had not fallen into the hands of the Conservatives a few years ago, because although the Liberal administration, having inherited a domestic recycling rate of 9 per cent. from an earlier Tory administration, nearly tripled the rate to 26 per cent., two years after the Tories regained control, sadly, no new kerbside recycling has been added to the Liberal Democrat initiatives on paper, tins, bottles and green waste, and the percentage has risen to only 28 per cent.

In fairness, however, even to the Conservative-controlled administration, there is a general problem in Gloucestershire in co-ordinating the best response locally between different councils, which the hon. Member for Barnsley, Central (Mr. Illsley) has mentioned in a different context. The issue is about ensuring a high quality, cost-effective and co-ordinated recycling response across different areas. The Minister perhaps needs to consider how to assist local councils to bring together effective waste partnerships that move forward, because there seem to be barriers.

The statistics highlight the variation between different businesses and local authorities. Real political will is required to drive the issue forward, so it is alarming that WRAP is meeting the Secretary for State today, according to reports, to discuss budget cuts of 25 per cent. or more, and it has already made 31 staff redundant. NISP is also concerned. It has expressed the fear that overall funding for the BREW programme, from which it gets its funding, could drop precipitately from £125 million per annum to as little as £60 million.

I asked the Minister about that in a written question on 7 January, to which she gave the rather cryptic answer that

"future spending...will be carefully balanced with other departmental priorities".—[*Official Report*, 7 January 2008; Vol. 470, c. 68W.]

I assumed that that meant that the Minister simply did not know about the issue at the time, but in the light of the meetings that are taking place today—the Secretary of State must have been briefed on the situation—perhaps she will clarify the funding situation for WRAP, NISP and the BREW programme as whole, because I am sure that the figures exist.

Where has the sharp downturn in funding come from? It was not flagged up in last year's waste strategy, which mentioned continuing support for the BREW programme, and it was not flagged up in the DEFRA annual report. DEFRA has a £3 billion budget, but it is difficult to spot any specific plans for BREW organisations in the report, which does not include specific projections on landfill tax revenue. There was a clue in the Budget in March last year, which said that there would be an increase in landfill tax revenue. The Budget included lots of bold environmental claims, and it gave the impression that everything in the garden was rosy in relation to Government support for environmental initiatives. Nowhere was the crisis in funding anticipated, and the sector was not prepared for it, so where has it come from?

An article that appeared in *The Guardian* seems to answer the question. It said that there was potentially a £1 billion hole in the DEFRA budget over three years and that DEFRA and its agencies

"failed to find sufficient savings to meet a £300m shortfall from April. The ministry is still more than £100m short despite cuts",

including those that are planned within the BREW programme. The reason is not difficult to find, and

[Martin Horwood]

there are some reasonable excuses. The EU single farm payments have been more expensive than expected, and DEFRA had to set up contingency funds to cover the outbreaks of foot and mouth disease, bluetongue and avian flu. Those things were obviously necessary, but why can the Government as a whole not provide contingencies for such unexpected developments?

There is a parallel with the crisis in the NHS two years ago, when it was decided that deficits had reached a critical point and had to be cleared within one year. For some reason, that unexpected development had to be funded from within the Department of Health, and there was no possibility of transferring funds from other Departments. There seems to be a complete lack of joined-up government and contingency planning for unexpected developments. Perhaps that reflects a view in the rest of Government that waste recycling is an optional extra and a bit of a luxury, which translates into a lack of ambition in DEFRA.

That might be unfair. Last year, the waste strategy had much to commend it, but it also had many gaps. Most dramatically, reduction, as has been highlighted by my hon. Friend the Member for Southport (Dr. Pugh), which is absolutely at the top of the waste hierarchy, was left out. We need not only to recycle more, but to reduce the need to recycle. The waste strategy promised a progress report in spring 2008 on actions and target solutions to reduce the impacts of products across their lifetime. Thanks to global warming, spring will reach us earlier than expected this year, so perhaps the Minister will tell us that the report is imminent or when it is due. Perhaps she will even tell us what will be announced in the report.

I suggest that the report should contain a few measures to tackle the producers and manufacturers of packaging and some of the packaging waste that we see in our waste bins every week. Why not attack some hard-to-recycle materials to reflect the cost of carbon at manufacturing level? Why not introduce a tax on plastic bags, perhaps learning from the Irish example and the risks associated with that approach? There are plenty of examples around the world of economies that exist without so much plastic bag packaging, including the United States of America, where paper bags are much more the norm. Frankly, if George Bush's America can manage that, I do not see why we should not be able to shift in that direction. To give them credit, retailers such as Tesco seem to appreciate the problem and try to reduce the billions of plastic bags that they use.

Mr. Illsley: I do not think that the United States' record under George Bush on climate change is the best that the hon. Gentleman could have selected. If one looks at the carbon footprint and energy used in the production and transportation of paper bags, one sees that they exceed those of plastic carrier bags. I agree with the hon. Gentleman, but we must find a way to reduce the amount of plastic or the number of carrier bags, but in doing so we must not end up affecting climate change in another way.

Martin Horwood: The hon. Gentleman has made an important point. The matter is not only about carbon, because we are talking about waste that is going into landfill sites, the countryside and the environment around us, which will take many years to degrade, if it degrades at all. That one supermarket produces 4 billion plastic bags each year is an environmental disaster.

Other ideas could be included in the report, such as the right of return, which would mean that retailers and manufacturers should be required to take back packaging from customers. There are examples of good practice, such as that of Sony. I am looking at you, Mr. Cook, but I thought that I had 10 minutes. I hope that I am right.

Frank Cook (in the Chair): What is your query?

Martin Horwood: I detected that you were impatient for me to finish, Mr. Cook, but I thought that I had a full 10 minutes left.

Frank Cook (in the Chair): I am trying to indicate that you have already taken more than a third of the time available.

Martin Horwood: I apologise for that, Mr. Cook, and I shall finish shortly.

The two examples of best practice are the Sony initiative, which involves using what are effectively the equivalent of cardboard cartons to package things such as mobile phones, and the Dual System Deutschland scheme, by which people can package excess packaging in a bag and have it collected. That scheme was launched in 1991; it uses only 300 staff in the whole of Germany, and it has been very effective. We need to expand waste recycling and reuse programmes, not cut them back.

3.37 pm

Gregory Barker (Bexhill and Battle) (Con): I shall endeavour to be as brief as possible. This has been an interesting and stimulating debate and good ideas have come from hon. Members both sides of the House. I congratulate the hon. Member for Norwich, North (Dr. Gibson) on securing the debate.

Waste is a complex and diffuse issue—it does not lend itself to simple answers. There are so many different elements to the waste sector, and it is difficult even for politicians to generalise. To summarise the main issues that came out of the interesting speeches from the hon. Members for Norwich, North, for Southport (Dr. Pugh) and for Barnsley, Central (Mr. Illsley), and the right hon. Member for Oxford, East (Mr. Smith), we need the Department for Environment, Food and Rural Affairs to do more. There is a clear requirement for leadership. Progress has been made, but, across the board, we are not moving at a sufficient rate, and there is no strong line from DEFRA, to quote the hon. Member for Southport, to pull all the different threads together. We need that and a real sense of vision and leadership at the centre.

Weighed against that is the fact that local communities must be able to forge their own solutions that are right for them in their part of the country. However, that does not negate the need for a compelling and ambitious vision at the centre.

As has already been pointed out, rather than work on an ambitious vision and providing that leadership, DEFRA is not meeting urgently today to hammer out a plan to

tackle our nation's waste, yet it has prime responsibility not only for waste but for the whole climate change agenda, which we all agree to be the most pressing and important problem facing humankind in the 21st century.

Today, the Secretary of State has convened a crisis meeting to address chronic mismanagement and overspending in a Department that, from media reports, appears to be falling apart. Despite making cuts of almost £200 million since April last year, DEFRA needs to cut a further £100 million from its budget in the coming weeks. That is not a sign of a Department rising to the huge challenges that clearly face it. Given the growing awareness of climate change, it is extraordinary that the Department should be trying to cut its cloth in that way, but in many ways the fault lies within.

We should not be allowed to believe that the majority of last year's cost overruns were simply the result of unavoidable acts of God such as flooding, or bird flu. Much of the overspend was avoidable; it was the direct result of Government mismanagement. We learned this week that the waste and recycling sectors will bear the brunt of much of that DEFRA incompetence.

For instance, the business resource and efficiency waste partnership has already been mentioned. It seems likely that its spending will be cut by more than half, despite the fact that it has been responsible for more than 2 million tonnes of landfill diversion, 1.8 million tonnes of CO_2 reduction and cost savings of £40 million last year. WRAP, which promotes recycling measures to reduce the use of landfill, confirms that its funding is to be cut by 25 per cent. Indeed, this week it issued more than 30 compulsory redundancies.

That is not the work of a Department that is in charge of its agenda and forging ahead. It is the work of a Department in retreat and in disarray. Although the Government are making much of their international leadership on climate change, they are undermining some of our most effective and efficient emissions reduction programmes.

Across the waste agenda, the Government are getting things wrong, and the results are plain to see. For example, the number of recorded incidents of fly-tipping has increased by 290 per cent. over the past two years. The United Kingdom has one of the highest levels of landfill in the EU, and 22 per cent. of our methane emissions, a gas that has 23 times the greenhouse effect of CO_2, is emitted from decomposing landfill. Why is more of that pollutant not being trapped and used for energy generation? It is not good enough to make the renewables obligation available for methane. Companies that are polluting in that diabolical way should not be rewarded with renewables obligations. They should be penalised for allowing those gases to escape.

Thus we see that the climate change agenda is becoming ever more closely wedded to the waste agenda. It is increasingly clear, in part due to the good work being done by DEFRA and the Minister to raise public awareness about climate change, that the British people not only care about climate change and want to feel informed about it, but want Ministers to take action.

It is clear that people care about the environmental impact of their lifestyle, which means that they want to produce less waste and recycle more. It is appalling that 20 tonnes of waste are produced for each tonne of consumer goods sold in Britain. However, we have seen a gradual but steady improvement in domestic attitudes to recycling and composting. I believe that people are trying to make a positive change in the teeth of often unhelpful and certainly indecisive Government policies

We rightly worry about waste because of its impact on the immediate environment, the global environment and climate-changing emissions. However, that increasingly obscures another issue—that of the unsustainable and inefficient use of resources in the first place. We must start seeing waste not as a problem to be solved only at the end of the pipeline, but as one that needs to be dealt with much farther upstream. The life-cycle of raw materials and products, how we design, make and use the consumables that we enjoy and how we dispose of them need to be addressed.

We need to take a far more holistic view of waste. That means reducing the amount of waste that we generate. We should be looking for ways to reduce packaging and to tackle poor product design so that product life spans dramatically increase and recyclability is enhanced. The reuse of waste is also vital. Useful and valuable items, such as building materials, furniture, white goods and computers should be taken out of the waste stream and reused. Indeed, the right hon. Member for Oxford, East raised the issue of Government action to prevent the incineration of recyclable materials, and I would be interested to hear what the Minister has to say in response. He certainly hit on an important thread.

I give a topical example of how an enlightened approach to waste can deliver a cost-effective and easy win. The London fire brigade is moving its headquarters to new offices in Southwark. Faced with the challenge of what to do with 6,000 items of furniture, weighing over 300 tonnes, which had to be removed from its old offices on the Albert embankment, the brigade developed a sustainable waste strategy that resulted in 69 per cent. of its furniture being reused, 27 per cent. being recycled and 4 per cent. being used for waste to energy—and 0 per cent. being sent to landfill or incinerated. That resulted in the brigade making savings of about £100,000, which illustrates the fact that saving on waste can mean financial savings—in this case, money that will be better spent helping the fire brigade to protect people and the city that it serves.

Most important, however, we must convince business and local government to see all waste as a potential raw material in an increasingly resource-scarce world. We should be providing a framework in which innovators, entrepreneurs and companies can find ways to convert waste into new and valuable commodities. The economics of recycling are clear. If we simply meet European directive objectives, we will need to treble the recycling and composting of waste. That raw material is estimated to have a market value of £590 million a year to the UK economy if it is recovered from the waste stream. We want the Government not to dither, but to start providing clear leadership.

Local empowerment and public consent are the key, as is the empowerment of business. The Conservative party appreciates the huge part that the market, industry and technology have to play in revolutionising the waste sector. The Government will solve our waste recycling problems—in tandem with the private sector, entrepreneurs and industry—only if they set out long-term policies to give business and local authorities the confidence to take new approaches and to make long-term investments.

[Gregory Barker]

Waste companies should be recognised as innovative businesses that create useful and valuable products out of waste. Regulations should be streamlined to reflect the changing attitudes to waste. For example, as soon as the regulations on waste management handling were changed under the waste management licence, industrial composting grew by between 40 and 50 per cent. The waste industry should not be restricted by the cumbersome over-regulation of waste disposal that does not recognise the value added by the industry. We need a clear, long-term objective.

Why cannot the Government see waste recycling as an opportunity to make Britain safer and greener, and an opportunity to generate new wealth and economic health for Britain in the process? We all need to recognise the opportunity to find profit and growth where previously we saw only waste and rubbish. In an increasingly resource-scarce world, where climate change is the overwhelming imperative, we desperately need DEFRA to get a grip on itself, and to provide the leadership that we all deserve.

3.48 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Joan Ruddock): I have only a few minutes to answer all the questions posed by the six Members who spoke, so I shall write to any whose questions I do not answer.

I congratulate my hon. Friend the Member for Norwich, North (Dr. Gibson) on securing this debate and for the great enthusiasm with which he presented his case. If one becomes a keen recycler, I know that one really wants to do more. Many of the points raised by right hon. and hon. Members will be extremely helpful to the Government, and I shall take account of all that has been said - although perhaps not the criticism of our waste strategy made by the hon. Member for Bexhill and Battle (Gregory Barker). I can tell him that our waste strategy for 2007 was enormously and enthusiastically received by all who were consulted. Indeed, it is moving on the way in which we deal with waste at a tremendous pace.

As we know, each year, we generate about 100 million tonnes of waste from households, commerce and industry. Most of that waste ends up in landfill, where the biodegradable part of it causes emissions of methane, which, as others have said, is a potent greenhouse gas. However, the overall waste is greater than that amount; there is also the absolute waste of those raw materials and, of course, the valuable energy that has been used in extracting, processing and making goods.

Therefore, when we published our waste strategy 2007 document, we put that strategy firmly in the context of climate change. Reducing waste is part of the contribution that we must make in our great mission to hold back dangerous climate change. Our aim must be to reduce waste by making products with fewer natural resources and therefore break the link between economic growth and waste growth.

Therefore, minimising waste is even more important than recycling itself and it is the next step that we all need to take in tackling waste. To that end, DEFRA has adopted a challenging new target of reducing our residual waste per person to half what it was in 2000 by 2020.

I am glad to say that residual waste has decreased and less waste is going to landfill. However, there is still a very wide gap between the best and worst performing authorities. The lowest percentage of municipal waste landfill in 2006-07 was just 7 per cent., but the highest was 93 per cent. The gap between those figures demonstrates what the challenge is.

Let me turn now to Norwich. Its recycling rate, according to the latest statistics that I have for 2006-07, was just 18 per cent. As the overall rate in England for that year was 31 per cent., I must tell my hon. Friend the Member for Norwich, North that Norwich was not one of the best performers. However, what is important is that that figure of 18 per cent. represents an increase of 3 per cent. Furthermore, from what my hon. Friend has said today, the most recent figures for Norwich, which of course have not yet been validated by the Department, will show a further increase in that rate. So I congratulate the local authority in Norwich on that and I am delighted to say that the way in which it is progressing, with alternate weekly collections and collections of new streams of waste, is very important indeed. I say that because we know that, of the highest performing councils on recycling in the country, the vast majority collect residual waste one week and recyclable waste the following week.

Dr. Gibson *rose*

Joan Ruddock: I will not have time to address the other questions if my hon. Friend intervenes now. Let me just say that the local authority in Norwich is making the right type of progress and taking the right kinds of action, and we are very appreciative of that work.

It was suggested earlier that there was a financial pressure coming from the centre to get councils to adopt alternative weekly collections, which I think should not be called "alternate weekly collections" because the councils collect every week; they just collect different things each week. There is not financial pressure from the centre; instead, there is a sensible desire for business efficiency on the part of the councils themselves. Clearly, if the councils have less residual waste to take to landfill, they will save on the costs of landfill. That is why that efficiency drive makes a great deal of sense. I am also delighted to learn about the Costessey plant, which I understand will turn food and garden waste into compost.

Let me now answer some of the questions that were put to me. A number of hon. Members raised questions about plastic bags. I can tell them that the desire of the Government is to end the free giveaway of the single-use bag. We do not believe that a tax is likely to be the best way forward. We are consulting; we have a forum coming up with all the retailers, in order to have a further discussion with them. The progress that has been made to date, which people may have noticed and commented on, has been made as a result of the Courtauld commitment, whereby we have reached an agreement with 92 per cent. of the grocery chain to reduce the environmental impact of those plastic bags.

Paper is not a substitute for plastic, and my hon. Friend the Member for Barnsley, Central (Mr. Illsley) explained why that is the case. It is the single use of the bag that is the problem. It is symptomatic of a throwaway society and we must end that practice.

A number of right hon. and hon. Members raised issues about BREW, WRAP and NISP. I am not in a position to tell them this afternoon the final outcomes of our discussions on finance. However, I would say that, just because particular work is done at a particular time does not mean that that particular work should continue. These programmes have been about innovation, encouraging businesses to adopt new practices and bringing businesses together. Therefore, much of that work has set a pattern and it is more than reasonable that business itself begins to engage in that pattern. People should not believe that, because, for example, WRAP has had to issue notices, all that change will necessarily come to fruition. Decisions have not yet been taken, and it is reasonable that we have had conversations with our delivery bodies.

I was asked about the recycling of plastic. It was suggested that there was a lack of co-operation by retailers. The landfill tax escalator is the tool that the Government are using to persuade commerce and industry that they should divert waste from landfill. The serious increases in price will mean that commerce and industry will be driven into carrying out more recycling and we are working with them on recycling plastics in particular.

I was asked about Government support for local recycling. Again, I would like to refer to the situation in Norwich and in Norfolk, because I obtained the figures for that area for this particular debate. In 2006-07, more than £1.5 million of Government funding went to that area to help to raise the performance on recycling and composting. In the current financial year, which will end soon, the same amount—more than £1.5 million—was again given to the area to promote that work. That is the type of support that the Government give. Sometimes, that support is given directly and at other times it is given through WRAP. That support has been given through the waste performance efficiency grants.

My right hon. Friend the Member for Oxford, East (Mr. Smith) asked about a number of issues relating to commercial and industrial waste, including a ban on the incineration of products and materials that could be recycled. In the waste strategy 2007 document, we said that we would consider such a ban. We would expect aluminium to be collected separately, and indeed we are talking with industry about the streams of metal waste in particular.

Briefly, I would like to return to the household sector. We are enabling people to recycle more easily. We are providing powers in the Climate Change Bill for five pilot projects, so that local authorities can examine incentives for reducing waste, and the rate for the national recycling of waste, as set out in the waste strategy 2007 document, will rise to 40 per cent. by 2010, to 45 per cent. by 2015 and to 50 per cent. by 2020. Although achieving those increases is incredibly challenging, we believe that we are on target and that we will reach the first of those major objectives by 2010.

We are also recycling new streams of waste. Earlier, right hon. and hon. Members referred to electrical and electronic equipment. Through the waste electrical and electronic equipment, or WEEE, directive, we are dealing with that issue and it is important that we do so, because UK households are throwing away around 1 million tonnes of that type of waste every year.

With WRAP, we have launched a programme to deal with food waste. We aim to achieve a reduction of 100,000 tonnes of food waste by March this year. As a society, we are throwing away a third of all the food that we purchase, so food waste reduction is an important new area for waste reduction.

The waste strategy 2007 document will encourage local authorities to collect different types of waste separately, including food waste. In particular, we are putting money into encouraging the use of anaerobic digestion, so that we can have a win-win situation whereby we take away the food and green waste, put it into a digester and then it can, I hope, be used both in agriculture and to produce energy. Furthermore, batteries are the latest product on which we are consulting, because each household is throwing away an average of 21 portable batteries every year.

In conclusion, we are placing a greater responsibility on businesses for the environmental impact of their products and operations. We are placing a strong emphasis on waste prevention, with householders reducing their waste, for example, through home composting and use of food waste, and we are encouraging business to help consumers, for example, by using less packaging. Packaging recycling has doubled over the past 10 years. People perhaps do not realise that industry is ahead of the householder in that regard and much more progress has been made in the industrial sector. Finally, we are issuing a challenge to see recycling extended outside the home and office and taken into public places, such as shopping malls.

New Home Buyers

4 pm

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): I intend to raise a number of issues concerning the difficulties experienced by many people buying newly built houses or flats. Those problems are legion. They can range from houses not being built on time or not being made available to the purchaser, sometimes for years after the date on which they were meant to be; defects in the building work that are not repaired in spite of repeated requests and demands from the purchasers; problems with the estate as a whole; and problems with the property management companies associated with new build developments. Those problems often affect those buying new build homes at the time when they are most under pressure, owing to the personal and financial stress involved in buying a new home.

I am raising this matter today, because a large number of new build properties—mainly, but not exclusively flats—are being built, or have been built recently, in my constituency. Over a number of years, I have been approached by constituents who have had problems with new build housing such as those that I have described. Indeed, I first raised this issue in Parliament in April 2002, less than a year after I was first elected. I am glad to have the opportunity to raise the matter again, but the fact that I am obliged to do so illustrates that much action is still required to deal with a problem that has been raised with me on many occasions in my constituency. However, consumer organisations are also concerned and see it as a problem affecting the entire UK.

As I said, particular issues have been raised in my constituency, and I shall describe in more detail a particular case raised with me recently. However, I emphasise that the problem exists throughout the UK. Extensive research on the matter has recently been conducted by the consumer group Which?, the National Consumer Council and the Scottish Consumer Council. It shows that as many as 90 per cent. of those who buy new build homes are left with snagging problems, such as faulty wiring, badly fitting doors, leaking windows or more serious problems. More than a quarter of new build property developments are described by their purchasers as being of poor quality.

As I have said, this issue has been raised with me on a number of occasions, over a number of years. However, the particular case that led to me raising the matter today was brought to my attention by a constituent of mine who lives in a development called Corinthian Quay, undertaken by Elphinstone builders, on Lower Granton road in my constituency. I shall quote briefly from her e-mail in which she first raised the matter with me shortly before Christmas:

"I would like to draw your attention to another matter that has been a source of constant worry and stress to me for the past 2 and half years. I bought a new apartment off plan in Feb 2005 and have had nothing but problems with the builders - they have been very uncommunicative and unhelpful... We have been lied to on numerous occasions and been told that the build would be ready again and again when it was obvious it would not. We sold our properties on the strength of what they told us and ended up at in rented accommodation for 8 months (at great expense)".

The e-mail also states that

"when one thing is fixed we find another. Many of the other residents have experienced horrendous problems eg sewage coming up through baths and sinks onto carpets, ceilings collapsing and many other problems. The resident above us is currently experiencing his 4th water leak and water is seeping into our apartment".

I shall not read her e-mail in full, because it would take too long. However, the crux of the matter comes in her final comments:

"We feel that we have more rights buying a packet of crisps than a £285K luxury apartment. We have paid the builder and we are not getting what we paid for. We moved to a new build so we would not have any problems - we now have more problems with this build than we have had with all the older properties we bought put together!"

That highlights one constituent's problems, but, as my research shows, the same problems—although perhaps not as bad as in that development—affect many people in many parts of the country.

My constituent's comments about having more rights when buying a packet of crisps than when buying an new house touch on one the central problems in dealing with the issue. For many people, a new home—possibly a new build home—will be the biggest purchase of their lives. However, practical remedies are not available to them as consumers to enable them to deal with problems that can arise when buying such a property. That contrasts with the simplest and cheapest items that one might buy in a corner shop, when consumers benefit from legislation, such as the Sale of Goods Act 1979, which, of course, does not apply to new build homes. As a result, consumers have fewer legal rights than if they bought a packet of crisps in a local shop.

One problem is that the purchase of houses or flats, whether new build or older properties, is covered by property law. There are differences between Scotland and England, but the general point is still a reasonable one. Property law is governed essentially by the rule of buyer beware, which gives consumers much less protection than they would have if they enjoyed legal rights similar to those that apply under the 1979 Act.

Mr. Jim Devine (Livingston) (Lab): I congratulate my hon. Friend on securing this debate. Has he had difficulties with factoring companies as a result of such sales? We have had major difficulties with companies such as Greenbelt Group Ltd and Ross and Liddle taking constituents of mine to court. They were charging up to £400 a year for a service that they did not provide.

Mark Lazarowicz: My hon. Friend makes a good point. Problems can arise with factoring companies or property management companies—or however they want to describe themselves. Certainly constituents of mine have raised such concerns, although the case that I just referred to did not involve that problem. However, it is certainly an indication of the kind of problems that arise for many people living in new build flats in particular. Action needs to be taken, perhaps at a devolved level in my hon. Friend's case, or at a UK level. That problem needs to be attended to.

On the extension of consumer protection to the buyer of a new build property, the problem was recognised by the Housing Improvement Task Force set up by the Scottish Executive some years ago. In 2003—five years ago, which illustrates part of the difficulty—it reported:

"We believe that caveat emptor"—

the buyer beware principle—

"may need to be qualified in respect of new build developments, where the sale is not between two private individuals and where the builder is in a similar position to other commercial providers of goods and services who are expected to comply with consumer protection legislation".

That highlights another problem faced by those buying new build properties. In effect, they must accept the developer's terms, or they do not get the house. They have no alternative or room to negotiate for a better deal.

The developer will normally have a standard builders missive or contract. In theory, in some circumstances, the purchaser might be able to withdraw from a contract to buy the property and get their money back, but that is not normally a realistic option in practice. It is not much use if people have had to wait for years to get their property, and then they find that their only option is to try to cancel the deal, dump all their furniture in the street and start all over again. That is not a realistic option for most people who buy new build property, or indeed any property, even though it might apply in theory in some cases.

We need changes to the law to give people who buy newly built houses or flats much greater consumer protection, and as my hon. Friend the Minister knows, it is a UK-wide problem, because consumer protection is a reserved matter for the UK Parliament. Aspects of it relate to devolved legislation, but the consumer protection aspect requires action at UK level. Although I refer to cases in Scotland and in my constituency, the problem applies UK-wide, and the consumer organisations have requested a change in the law at UK level, which I certainly support.

There must be changes in the law, such as providing people who buy new build flats or houses rights similar to those under the 1979 Act. However, there must also be important changes in practice, too. Many organisations have agued that the standard new build missive must be much fairer to buyers. For example, there should be a specific entry date, rather than a vague entry date that is not worth the paper that it is written on.

My colleague, Helen Eadie MSP, recently submitted a Bill to the Scottish Parliament designed to bring about precisely that change to the law to ensure that there is a specific entry date for new property. However, she has been advised—whether correctly is open to discussion—that because of the consumer protection provisions, it is a reserved matter for the UK Parliament, so she can no longer pursue it as a private Member's Bill in the Scottish Parliament. Again, the situation indicates that we need action not only at Scottish level, but at UK level. We need action to ensure that, when people in Scottish constituencies are affected, the two levels of government work together to find a solution. Furthermore, there must be better self-regulation by the housing industry, as the consumer organisations have said. I do not have time to go into that issue, but it is another part of the solution.

Having made some suggestions for change, I recognise that other proposals might be introduced to deal with the situation. I first raised the issue almost six years ago, and there has certainly been a great deal of talk, but not much action. Recently, however, the Office of Fair Trading has begun an investigation into the issue—an important step that I hope will result in an improvement in the situation for people who have such problems with new build property.

The first round of consultation by the OFT has concluded, but I have been told that it would welcome the submission of evidence of such problems. I shall certainly be submitting to the OFT examples from my constituency, and if any of my constituents watching the debate decide to send me information, I shall submit that, too. However, I should ask that people in other constituencies do not send me information, because when I raised the issue previously, I received correspondence from throughout the UK. That illustrates the problem, but the evidence should nevertheless go to the individual's MP.

The OFT is carrying out a study, so I am sure that the Minister will tell us that he wants to wait for its report before the Government come to a conclusion on the matter, which I understand. However, I ask him to assure us that, when the OFT reports, the Government will act urgently to make changes to give proper consumer protection to people who buy newly built homes and flats and who find that they have such problems. In particular, as an MP representing a Scottish constituency, I ask him to ensure that the appropriate UK Departments get together with the appropriate Scottish Departments, the relevant consumer organisations and legal and trade interests to ensure that the action that I have called for is implemented throughout the UK.

As I have indicated, apparently, this involves some complex areas of law, which may have caused the delay in taking action in Scotland in particular, but we cannot wait too much longer for action—not much longer at all, I hope. The number of new build developments is increasing in most constituencies—certainly in mine and in that of my hon. Friend the Member for Livingston (Mr. Devine) more than in others. Therefore, we cannot wait for action indefinitely. We want it soon, and I should like a commitment from the Minister that the Government recognise the seriousness of the problem and that they will take early action, including on the issues that overlap the Scottish and UK levels of government. Co-operation between the various interests should resolve that overlap, and I am sure the Minister agrees that it should not be an excuse for inactivity.

4.14 pm

The Parliamentary Under-Secretary of State for Business, Enterprise and Regulatory Reform (Mr. Gareth Thomas): I congratulate my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) on obtaining the debate and on his assiduity in pursuing the issue for the time that he has. It is clearly important to his constituency and to my hon. Friend the Member for Livingston (Mr. Devine), given his intervention.

I listened in particular when my hon. Friend the Member for Edinburgh, North and Leith read out that extract detailing the frustration of his constituent. No one who has ever bought a home could fail to be sympathetic to the frustration that his constituent has endured. My hon. Friend raised two broad areas of concern for new home buyers: snagging and the rectification of faults, and delays in completion. He made specific requests about the OFT study, and I can assure him that, once we have seen the study, we will ensure that its conclusions are discussed with officials in the Scottish

[Mr. Gareth Thomas]

Executive. I welcome my hon. Friend's writing to the OFT directly, and I shall bring his remarks to the OFT's attention.

Mr. Devine: Will my hon. Friend the Minister also include the role of factoring companies in his discussions with the OFT? Companies such as Greenbelt Group take over the common land and own it in perpetuity, so regardless of whether they provide a good service, people have to pay and the companies have a monopoly, which is totally unacceptable, as I am sure my hon. Friend will agree.

Mr. Thomas: I hear my hon. Friend's concerns, and I am happy to draw them to the OFT's attention. I should also be happy if my hon. Friend would like to meet separately to discuss them.

There are already some initiatives regarding the two areas of concern that my hon. Friend the Member for Edinburgh, North and Leith discussed. The Council of Mortgage Lenders has introduced a revised finalling procedure, under which lenders will not release the mortgage funds on a property until a satisfactory final inspection has been completed and confirmation has been given that a full new home warranty will be in place on or before the entry date. It follows a similar initiative in England and Wales that was successful in reducing the number of failed pre-handover inspections. There have also been discussions between the Law Society of Scotland and Homes for Scotland—the umbrella organisation for the home building industry in Scotland—about standard terms for the builders missives, the conveyancing contract.

Those initiatives will be helpful in addressing the issues that my hon. Friend has raised, but he will recognise that such matters fall within the purview of the Scottish Executive. I have no doubt that the Executive will be interested in what the OFT has to say. I hope that he recognises that I am not in a position to comment at length on matters that fall within the responsibility of the Scottish Executive, but I repeat that I will ensure that the outcome of the OFT study is discussed with Executive officials.

Mark Lazarowicz: I accept that my hon. Friend the Minister cannot act on matters within the purview of the Scottish Executive, but I reiterate that Helen Eadie MSP has been advised by the legal officers of the Scottish Parliament that she cannot introduce legislation on an entry date, because it falls within UK reserved competence. I hope that the Minister's Department will consider that before it assumes that it is a Scottish Executive responsibility. I am concerned that we could end up with years of argument between the two levels of government about who is responsible, and we do not want that to happen. I hope that he will ensure that his Department notes that there is some argument about where responsibility lies.

Mr. Thomas: I note my hon. Friend's intervention, and I have heard his point about the discussions that have taken place in Scotland between Helen Eadie MSP and the Scottish Executive. I would be happy to receive direct representations on those discussions from either my hon. Friend or Ms Eadie herself.

My hon. Friend also mentioned a matter on which I do have specific and immediate responsibility for consumer protection: the Sale of Goods Act 1979, from which, as he rightly said, the purchase of homes is excluded. I hope that I can clarify why that is so, but I first wish to indicate again our welcome for the work that the OFT is engaging in. It is examining the home buyer's purchasing experience and the fitness for purpose of new homes. It will consider the consumer protection and redress that are available, including the consumer legislation that applies, and whether changes are necessary. We expect that study to report in the autumn. My hon. Friend asked for early action, but he made an assumption that I do not wish to make. However, I assure him that we will give early consideration to the outcome of the report, particularly any recommendation that falls to my Department.

On the 1979 Act, there is not an exceptional omission or exclusion for housing. There is a much broader pattern and structure of how property law, covering land and buildings, is recognised. The law relating to property is distinct, forming a separate body of legislation and jurisprudence, reflecting the importance and value of transactions in land or property. As my hon. Friend will no doubt recognise, for transactions in land, it is particularly necessary that there should be clarity about exactly when ownership passes from one person to another and what is, and is not, included in any transfer. Property law has developed distinctively to meet those needs. Consumer law in general therefore does not apply to transactions in land or buildings, albeit with one significant exception.

Although consumer law and the statutory rights attached to consumer transactions do not generally apply to the purchase of a new home, it does not follow that the consumer is lacking in rights or redress when purchasing a new home. It is true that, on occasion, the buyer of a new home is in a weaker position than the builder. My hon. Friend may be aware of cases in which the developer has had standard terms prepared for the contract and not been willing to amend them. If there is unfairness in such standard terms, it can be addressed through the Unfair Terms in Consumer Contracts Regulations 1999. Under those regulations, a term that is found to be unfair is not binding on the consumer, and the Office of Fair Trading can take action to have standard terms altered if there is a view that they are unfairly weighted against the interests of the consumer. The purchaser of a new home therefore has rights and redress if a contract is not properly performed.

The most used remedies under the 1979 Act—the rejection of unsatisfactory goods by the purchaser or replacement by the vendor—are most unlikely to be appropriate for a dispute about the construction standards of a new house or flat. The contract can be annulled in extreme cases, but it is essentially tied to the property in question, and replacement with another house or flat is probably not realistic and may be undesirable for the buyer. I suggest to my hon. Friend that it is not surprising that the 1979 Act remedies are not appropriate, because they were framed for quite different situations. As I have indicated, we have an open mind about the possibility that new rights could be created for the benefit of consumers if the existing balance of rights and redress is found to be unsatisfactory.

My hon. Friend mentioned the suggestion by the Housing Improvement Task Force that it might be necessary to amend the rule of caveat emptor in relation

to new build homes. Of course, any new legal provision that confers rights or imposes implied terms will, in some sense, qualify the simple rule of caveat emptor. I have no difficulty in principle with that idea but, as I hope my hon. Friend will recognise, we will want to hear what the OFT has to say on that in its report.

I say again that I am sympathetic to my hon. Friend's concerns and particularly to the views of his constituents who have written to him about their experiences of buying new homes. I hope that he recognises that the situation that he described—that someone has more rights buying a packet of crisps than buying a new home—is not accurate, but we understand the frustration of people who have had bad experiences with rogue builders. That is one reason why the OFT is conducting its market study.

I recognise the need for us here in London, in the Department for Business, Enterprise and Regulatory Reform, with our responsibility for consumer affairs as a reserved issue, to discuss the Scottish experience of the matter with the Scottish Executive. I have also offered to meet my hon. Friend the Member for Livingston about the issue that he raised, and I am happy to receive representations from Helen Eadie or my hon. Friend the Member for Edinburgh, North and Leith, on what Ms Eadie has discussed with the Scottish Executive.

4.28 pm

Sitting suspended for a Division in the House.

Cetacean Mortality

4.58 pm

On resuming

Andrew George (St. Ives) (LD): I am delighted to have secured this opportunity to debate something that stirs the passions of many people around the coast of the UK, but also inland. When the Minister visits my constituency and other parts of Cornwall and the south-west early next week, I hope that it will be possible to continue the dialogue that we are commencing today.

As I shall explain in a moment, the issue certainly creates an environment in which there is much uncertainty. Perhaps it is appropriate to use a Rumsfeldism: there are many known unknowns, and probably as many unknown unknowns, when it comes to the science that surrounds the marine ecological system and our knowledge about the extent, population, health and mortality of cetaceans, which, of course, are the whales, dolphins and porpoises around our coast.

I should acknowledge at the outset the contribution of the Minister's predecessors—the right hon. Member for Scunthorpe (Mr. Morley) and the hon. Member for Exeter (Mr. Bradshaw), who is now the Minister for the South West—and their work in this field. My conversations with them and with European Commissioner Joe Borg indicate a degree of sympathy and concern, although progress to achieve results is particularly slow.

I should also acknowledge the interest and co-operation of fishermen and fishing organisations in my part of the world. The Cornish Fish Producers Organisation and its chief executive, Paul Trebilcock, have co-operated in trying to achieve a better understanding, despite the fact that many accusations have been thrown at fishermen. They have allowed observers on their boats and assisted with investigation and mitigation measures to reduce cetacean by-catch. I believe that the Minister will be meeting Edwin Derriman, chief executive of the Cornwall Sea Fisheries Committee, next week.

On the environmental front, many organisations have taken a passionate and deep interest in the matter, including the Cornwall Wildlife Trust, particularly Dr. Nick Tregenza and Joanna Doyle, and many other national and international organisations, including the World Wildlife Fund, Greenpeace, Silver Dolphin marine conservation and diving centre at Penzance, the Whale and Dolphin Conservation Society and Marine Connection.

I want to paint the background. The vision of a thriving marine environment and sustainable, economically viable fisheries is at the heart of what I believe the Government want to achieve, and I hope that the Minister will expand on that. One prominent issue that is hampering the achievement of that is the incidental by-catch of cetaceans in fishing gear. By-catch, which accounts for thousands and possibly tens of thousands of cetacean deaths worldwide each year, poses a major threat to the conservation of small cetaceans throughout the world's oceans and is widely recognised as one of the most serious environmental impacts of modern commercial fishing. Apart from the direct impact on cetacean populations, by-catch may affect the structure and function of marine ecosystems at population, community and

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ecosystem levels. I believe that the Department for Environment, Food and Rural Affairs has identified and acknowledged that.

Dolphins and porpoises are particularly good biological indicators of the status of the environment in which they live and can indicate problems in the food chain brought about by overfishing or changes in environmental conditions. Looking at the impact on dolphins and porpoises around the Cornish and south-west coasts involves looking primarily at the impact of the offshore industry, particularly of pair trawling—predominantly a French industry, but it involves a few Scottish boats—and the set nets around the inshore waters of Cornwall and the south-west. An indicator of the seriousness of the concern that many people have, particularly environmentalists in the area, is the bottlenose dolphin. I raised that issue in a parliamentary question to the Minister last Thursday.

The number of bottlenose dolphins had recovered in the area to an estimated 16 or 20 in 1991, but has fallen, following a further stranding at St. Ives last year, to six. They are fascinating creatures, and local Admiralty charts show dolphin pools where fishermen have seen dolphins fishing for themselves by pushing shoals into a bay and then catching the fish as they try to escape. They use intelligent methods of fishing, which make them a fascinating source of study.

In recent years, many innovative approaches have been put to the test in an attempt to reduce by-catch in set net fisheries particularly. Potential by-catch mitigation techniques include gear modifications, such as acoustic deterrents or pingers, on which I hope the Minister will comment, and fisheries management, such as seasonal and geographical closure of specific fisheries.

Under the EC habitats directive, the Government are obliged to monitor cetaceans around our coast. The main aim of the directive is to promote the maintenance of biodiversity by requiring member states to take measures to maintain natural habitats and wild species at, or to restore them to, a favourable conservation status by introducing robust protection for those habitats and species of European importance.

The directive requires member states to introduce a range of measures, including protection of species listed in its annexes, to undertake surveillance of habitat and species and to produce a report every six years on its implementation. The Government have designated two sites on the Moray firth and in Cardigan bay as special areas of conservation for bottlenose dolphins in accordance with the UK's obligations under the directive.

The UK participated in major European surveys of small cetaceans in the European Atlantic and North sea—the SCANS, or small cetacean abundance in the North sea and adjacent waters, I and II surveys—in 1993 and 2005, which were unable to detect inshore bottlenose dolphins off south-western and Cornish coasts. We are not aware of any formal systematic surveying of bottlenose dolphins in south-western and Cornish inshore waters.

There was a significant difference in the SCANS. In 1993, the common dolphin population in the Celtic sea was estimated to be approximately 75,000. By the time of SCANS II in 2005, it was less than one third of that, but that reduction was attributed to better counting methods rather than a decline. Given the wide variability in those figures, I want to emphasise the unreliability or uncertainty of the data with which we are dealing.

With the movement of common dolphins into southern waters, it has been very noticeable that around 2,000 a year are caught in inshore fisheries in the Celtic sea. Apart from the bottlenose dolphin groups in the Moray firth and Cardigan bay, there are other groups, including those around the Cornish and south-western coasts. It is estimated that they colonised the Cornish coast some time after the last ice age, about 12,000 years ago, but died out in the second half of the last century because of organochlorine pollution. That is now much reduced, and they recolonised those coastal waters in 1991. They have been monitored by local agencies, and their decline has been noted.

All those matters are a cause for deep concern with a significant loss of cetaceans around our coast. Environmental scientists—certainly the Wildlife Trust—have been working very productively with fishermen, both inshore and offshore, to try better to understand the science. Other efforts include the tagging and dropping of dolphins at different distances from the shore, so that we get a better understanding of which fisheries the strandings are likely to come from. It seems that offshore by-catch is most likely to be masked because of the distances that the carcases must travel to be stranded on the coast. It sounds logical, but science is needed properly to understand the issue.

On 8 October last year, the Minister responded to my letter of 7 September. He stated:

> "The latest UK and international figures indicate that these have remained steady in UK waters over the last decade and are higher than for most of the post World War Two period."

He goes on to state that

> "these by-catch totals are on their own unlikely to represent a major conservation threat to dolphins or porpoises."

However, that is on the basis of what is known within the UK. The biggest threat to dolphin and cetacean by-catch in the western approaches comes from French pair trawlers. As the Minister knows, I have been in contact with the French embassy about that issue. It has been rather slow in co-operating with me over the years. However, the French ambassador has now said that the French Government have completed their annual report on the implementation measures contained within European Council regulation 812, which has been sent to the European Commission. They are indicating to me that they wish to co-operate.

The Minister has given me figures—I would say that they are rather unreliable—about the extent of by-catch within the industry. However, no attempt has been made to cross-tally those figures with those held by other European states. We need to know whether the by-catch estimates for common dolphins will prove to be significant in the light of the recent SCANS II survey, which I have mentioned and which shows that the Celtic sea common dolphin population is about one third of the previous SCANS I survey estimate.

I know that the Minister seeks to address those issues, and I look forward to his response with regard to monitoring the problem. There is a wish within the community in Cornwall that the environmentalists and wildlife experts and enthusiasts co-operate with the

fishing industry to monitor the health and mortality of the cetacean populations and to investigate mitigation measures, such as closed areas or the development of more sophisticated and more effective pinger systems.

Bill Wiggin (Leominster) (Con): I congratulate the hon. Gentleman on securing this important debate. I, too, am waiting to hear what the Minister says. One of the saddest things was in the Whale and Dolphin Conservation Society report, which has been sent to all UK MPs. Unfortunately, for our Government, it evaluates the efforts that they are making and states:

"The issues evaluated include fisheries by-catch (2/10), chemical pollution (4/10), noise pollution (1/10), boat traffic (1/10) and climate change (3/10)"

Does the hon. Gentleman agree that, if we are to stop the decline in our cetacean numbers and provide the right sort of habitat, the Government must do considerably more? Their intentions are good—everybody's intentions are good—but the issue is one of delivery. I hope that the hon. Gentleman agrees that that is what we are looking for from the Minister today.

Andrew George: The hon. Gentleman is saying that there is a great deal of disputation as well as an attempt on the part of the partners involved in this process to try to find common ground, so that they can work together to find solutions. Clearly, if the fishing industry is prepared to work with environmentalists, that is an important first step. The Whale and Dolphin Conservation Society has offered constructive remarks, as well as reasonable criticism. We want to encourage the Government by praising them when they do well and castigating them when they are not making fast enough progress.

Will the Minister tell me how the Government are fulfilling their obligations under the EC habitats directive to monitor bottlenose dolphins around the Cornish and south-west coast? Given the significant uncertainty and varying estimates of population and the health and viability of many species, what plans do the Government have to adopt more accurate measuring methods?

Have the Government fully evaluated acoustic monitoring, which has been used successfully in locations such as the Baltic sea and New Zealand and developed locally in Cornwall? How does the new estimate of common dolphin numbers impact upon the UK's assessment of current by-catch figures and the effect of by-catch on dolphin populations in the north-east Atlantic? In the absence of a porpoise special area of conservation around the UK, will the Government consider monitoring porpoises acoustically in existing special areas of conservation and around the Isles of Scilly, which also fall within my constituency?

Will the Minister advise on any potential funding streams to help to support the monitoring and experimental mitigation projects? What discussions have the Minister and his Department had with the European Commission, and the French especially, about the implementation of the European regulation that I mentioned earlier? What further efforts will the Department be prepared to support with regard to further pinger trials, the use of closed areas and other measures?

When the Minister comes to Cornwall next week, he will notice that people want to work co-operatively with each other and the Government.

5.16 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jonathan Shaw): I congratulate the hon. Member for St. Ives (Andrew George) on securing this debate and on the way he has presented the case. He referred to people's passion about these wonderful creatures. He referred to the dolphin report compiled by the Wildlife Trust in his area. I have received a copy of it and we applaud the work of the Wildlife Trust.

We must ensure that the issue of cetaceans, dolphins and porpoises remains in the public eye. Pressure is brought on Government and questions are asked both by hon. Members in this House and by outside organisations. I argue that we have a good track record. The shadow Minister, my friend the hon. Member for Leominster (Bill Wiggin), who follows me around, said that there is still more for us to do. We might not be as good as he expects, but that is all part of the cut and thrust of this debate. I welcome it.

What the hon. Member for St. Ives says in raising those issues is important. It is important that we are held to account. I am pleased that he has called this debate. I look forward to visiting his wonderful constituency and meeting the folk down there. I hope that we have the opportunity to discuss the issue.

We know that the seas around the UK host more than 25 species of whale, dolphin and porpoise. Some of those species make their home in our waters, while others are welcome seasonal or occasional visitors. The hon. Gentleman will be aware that the seas around his area in the south-west of England are rich in cetaceans; they can play host to as many as 14 different species. Those species contribute to the UK having one of the richest marine environments anywhere in the world, and I share his concerns. It is important that those species are properly protected.

Effective conservation of those species and the marine environment are key parts of DEFRA's over-arching goal of living within our environmental means. We want to ensure that we are operating within environmental limits and have healthy marine ecosystems and marine wildlife. Many whales, dolphins and porpoises are very mobile and part of a wide-ranging species. To be effective, conservation measures must be taken at international as well as national level.

The hon. Gentleman rightly mentioned the world's population of cetaceans and asked what we can do about that. Obviously, there are more constraints in that regard than in relation to our own waters, but I suggest that those involved in illegal, unreported and unregulated fishing are most likely to be involved in the by-catch of dolphins.

We are involved with the European Union. I am referring to the Commission's policy to ensure that there is better reporting and that better processes are in place so that we can reduce illegal and unreported fishing in the world. Companies such as Youngs Bluecrest in Grimsby will be able to demonstrate, from the trawl to the processing factory, where their fish have been caught. There are standards, which is important, not least because the consumer wants to ensure that there are good environmental standards. That is part of the equation. If we can reduce illegal fishing across the

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world, there is likely to be a correlation with the amount of by-catch and we will reduce dolphin mortality in that way.

Andrew George: What conversations and discussions has the Minister had with his European counterparts, particularly the French, whom I mentioned earlier? They tell me that they are following the 2004 regulation, but I have not seen much evidence to show that they are taking measures to reduce dolphin by-catch in the pair trawl industry.

Jonathan Shaw: I just wanted to give some perspective on a wider scale and explain what we are trying to do with the common fisheries policy in engaging countries, particularly African countries, that are subject to massive illegal and unreported fishing. They do not have the resources to police their fishing areas properly. I will come to the French in due course.

We know that populations of some cetaceans in UK waters have remained steady over the past decade, but we must not be complacent. That is why the UK has been among the most active of countries in taking steps to ensure that these highly valued species are properly protected.

Cetaceans in UK waters are protected by both domestic and European legislation. The Wildlife and Countryside Act 1981 and the habitats regulations offer a strict system of protection for cetaceans in our territorial waters. Last year, we introduced the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 and that strict protection now extends to our offshore area.

The UK is a party to the agreement on the conservation of small cetaceans in the Baltic and North seas and to the convention for the protection of the marine environment of the north-east Atlantic. That is the OSPAR—Oslo and Paris—convention. We continue to be committed to achieving the aims of those agreements through co-operation in research and management measures to conserve cetaceans.

In addition to delivering strict legal protection for cetaceans and co-operating under international agreements, the UK Government have provided some £5.3 million of funding for cetacean research since 1995. To obtain a clearer picture of cetacean abundance and distribution, we have contributed £500,000 to two important survey projects: SCANS II and the CODA—cetacean offshore distribution and abundance—project. Those studies have provided us with a clearer understanding of the abundance and distribution of cetaceans in both UK and European waters.

To understand better the causes of cetacean mortality, approximately £2.3 million has been spent on a scheme for recording the incidence of stranded cetaceans around the UK. That ongoing research, co-ordinated by the Institute of Zoology, provides important data on trends in cetacean mortality. It is the most comprehensive and well funded scheme of its type in Europe. I will ask for details of it and provide that information to the hon. Gentleman. I am sure that he will find it interesting. The reports from the research over the past three years suggest that the level of strandings has remained relatively constant. In fact, preliminary results for 2007 suggest a decline in the number of reported strandings that equates to 200 animals.

Although abundance estimates tell us that populations of studied cetaceans in UK waters have remained steady over the past 10 years, our research on strandings tells us that those species continue to be impacted by certain human activities. We realise that the by-catch of cetaceans in some fisheries is a problem. The Government are committed to working towards reducing that cause of cetacean mortality. That is why we provided an additional £1.6 million for the period 2000 to 2005 for research into cetacean by-catch and associated mitigation measures. Again, that research is ongoing.

In 2003, we published the UK small cetacean by-catch response strategy, which set out our approach to addressing cetacean mortality through fisheries by-catch. Since then, we have continued to work at home and in Europe to implement measures to mitigate the causes of by-catch. The UK has a comprehensive by-catch monitoring scheme, which allows for observers, to which the hon. Gentleman referred, to monitor levels of by-catch per haul in a number of fisheries. That work gives us a better understanding of which fisheries are impacting on cetaceans. We use that information to make annual reports to the European Commission on observed by-catch levels in various fisheries.

The UK's last by-catch monitoring report to the European Commission estimates that between 2005 and 2006, 460 to 730 porpoises and 410 to 610 common dolphins were killed in pelagic trawl and static net fisheries off south and west England. The abundance estimates that we have for harbour porpoises and common dolphins in UK waters suggest populations in the hundreds of thousands. Given those estimates, the level of by-catch monitored does not suggest that by-catch by the UK fleet represents a significant conservation threat for these species in UK waters.

Andrew George: Does the Minister accept that some of these populations are not as migratory or mobile as perhaps some of those estimates suggest? The decline of some of the very localised inshore populations gives cause for concern. I hope that he will support efforts to research that issue and to support the Wildlife Trust in doing so.

Jonathan Shaw: We need to ensure that we have the best available information. I will certainly have that further conversation with the hon. Gentleman when I go to the south-west.

With regard to activity by French fishing vessels, it is of course for each member state to monitor its own vessels and to report back to the Commission. We have taken the unilateral action of banning pair trawling, as the hon. Gentleman is aware. We argued our case vigorously, but the Commission did not support that. We will continue to argue our case in Europe because we believe that that is the right thing to do. I will keep the hon. Gentleman and, indeed, the House apprised of our progress on that.

The hon. Gentleman mentioned pingers. Research is being done on that. There is not an effective pinger system at the moment, although we expect new developments, which we want to trial with the industry. His point about co-operation is key to reducing by-catch

mortality. There must be a partnership and it must be one of mutual understanding from all sides if it is to be successful.

We must be vigilant in addressing other potential threats to cetacean populations. There has been work to assess the potential impact of undersea noise, for example. The Joint Nature Conservation Committee has published guidance for operators in the oil and gas industry. The habitats directive imposes important regulations for conservation purposes.

We have in place a number of different strands of legislation. Our commitment is shown by the money that we have put in. We do not rest on our laurels. We know that there is more work to do. There is pressure on the Government. That is right, because these beautiful creatures need conserving and preserving and we want to see their populations grow.

I am grateful to the hon. Gentleman for initiating the debate. It was a necessary one for us to have in the House and I look forward to having discussions with him in the beautiful county of Cornwall next week.

Question put and agreed to.

Adjourned accordingly at twenty-eight minutes past Five o'clock.

Westminster Hall

Thursday 7 February 2008

[DAVID TAYLOR *in the Chair*]

Novice Drivers

[Relevant documents: Seventh Report from the Select Committee on Transport, Session 2006-07, Novice Drivers, HC 355-I and II, and Eleventh Special Report (Government Reply), HC 1051.]

Motion made, and Question proposed, That the sitting be now adjourned.—*[Diana R. Johnson.]*

2.30 pm

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): Mr. Taylor, it is always a delight to see you in the Chair, particularly when we are debating something that I know you will find very important, because in a country where we succeed in lowering the number of deaths and injuries among drivers by a sizeable amount each year, deaths and injuries among novice drivers nevertheless continue to rise in a way that the Select Committee on Transport finds absolutely unacceptable.

How does one define a novice driver? Although the bulk of the Committee's evidence relates to young drivers, one can be a novice driver later in life if one does not have sufficient experience, because one defines a novice driver as someone who has been driving for less than three years. Although we took a great deal of evidence about the problem of controlling the motor car, we found that, almost inevitably, the fears and worries of a large number of our population relate to young drivers, because they constitute a disproportionate number of the people who are affected.

It is almost axiomatic that young males feel that the process is a passing of some ritual—that they must be able to drive themselves all over the United Kingdom, irrespective of the state of the vehicle in which they are driving. If one thinks about the people who take driving tests, one realises that any measure that seeks to limit their experience will be resisted. Even though various Governments have genuinely accepted that deaths from road accidents and the damage that can be done by long-term injuries are very real, they have brought in a series of measures which, somehow or other, has not addressed the size and difficulty of the problem.

Our report states that

"in 1998, drivers aged 17-21 accounted for 7 per cent. of the total driving population, but they comprised 13 per cent. of drivers involved in collisions; one in eight driving licence holders is aged under 25, yet one in three drivers who die in a collision is under 25, and almost one in two drivers killed at night is under 25; 27 per cent. of 17-19 year-old males are involved in a road collision as a driver in their first year of driving; 1,077 people died in 2005 in crashes involving a driver aged 17-25".

Those figures mean that we are not convincing either the young or those who support the young in accessing motor vehicles of their responsibility for keeping not only themselves alive, but everyone else in a happy state.

We were particularly concerned about whether the Government could at least move towards doing something about this great problem. The scale of the casualties is clear, and the driver training regime, which is the beginning of many difficulties, must be reformed as a matter of urgency. It is clear from the evidence that we took that we need a more structured learning programme, a minimum learning period, and ongoing assessment, because we cannot just assume that if people can fill in a series of tick boxes and participate in mandatory group activities, they have acquired the expertise or the experience that frequently gets drivers out of trouble on the road. We too often rely on incremental changes, which have not produced the required results.

The Committee said:

"The Department for Transport should assess the risk that any changes to the training and testing regime will lead to an increase in licensing offences."

Furthermore, if the Home Office continues to treat traffic offences as less important than the other core tasks of the police force, we will find it difficult to bring home to the public, and to police, the dangers of bad driving and the difficulties that arise when people drive either drunk or under the influence of drugs.

Serious driving offences ought to be included in the offences-brought-to-justice target for the police. We are always told that their new toys, which are important, such as automated number-plate recognition, enable them to stop people, acquire much more information and make an impact well beyond simple traffic enforcement. However, if there are no traffic police available, and if chief constables feel that traffice enforcement is the least important function of the police, the horrifying situation in my constituency will continue whereby even after some cars have crashed and four young people have been killed or severely injured, there is still an excrescence of the same problem. In other words, whatever we are doing, either by enforcement, by carrot or by stick, we are not making it work, and we must consider other options.

The Department ought to do much more about road safety education, and insist that the Department for Children, Schools and Families assists it. The two Departments ought to work closely and ensure that people are targeted at a young enough age to change their attitudes towards driving. Young people frequently think that they are invincible, and that whatever they do will inevitably be safe, because it never crosses their mind that there is any difficulty. By the time they find out, however, they may very well be dead, so we, as a nation, must examine not only the vulnerability of novice drivers, but how we can change their attitudes and the way in which they learn and are assessed throughout their learning period.

Mr. Russell Brown (Dumfries and Galloway) (Lab): I appreciate that we are discussing drivers, but my hon. Friend mentioned the education process. I do not know whether she or other Members have witnessed what I witness regularly, but young pedestrians simply wander into the middle of the road, with no concept of vehicles' speed or the danger in which they put themselves. There should be an education process for pedestrians, too, alongside whatever the education system can do to enable young people to recognise the dangers that exist on the road for them as drivers in later life.

Mrs. Dunwoody: I accept that point, but the issue goes further. It is about not simply pedestrians, but cyclists and all people who use the road. In this day and age, they frequently demonstrate a cavalier approach not only to the safety of the people whom they encounter, but to their own safety, which I find difficult to apprehend.

The Committee suggested that

"the evidence of the consequent prevention of death and serious injury would justify the introduction of a 12-month learning period."

We took a great deal of evidence on the matter, considered it carefully and said that

"a 12-month minimum learning period should be introduced as part of the structured approach to learning to drive."

Of course, there would be an increase in the minimum age at which someone was entitled to a full driving licence, but, we continued,

"given the risks involved, it seems reasonable that the minimum age for holding a full driving licence should be 18 years."

We also made recommendations about the various ways in which the measure could be implemented and the various issues that flowed from that.

Mrs. Siân C. James (Swansea, East) (Lab): I thank my hon. Friend for the report and the work that the Transport Committee has undertaken. One of my constituents, a young man named David Rees, has taken the time to read it and to write to me about it. He is particularly worried about the suggested 12-month learning period and has made the point that it could be very expensive and an unfair burden on young people, many of whom do not have parents who could cover the costs, or who come from families for which the financial challenge would be great.

Mrs. Dunwoody: We understood and debated that, but the reality is that if people are to be taught properly—after all, that is the beginning of the method that we were concerned with—they will have to pay. Driving lessons are not cheap, as many parents will know. We are saying that there should be a 12-month period in which they must gain and demonstrate experience, which would be an added hazard in some ways, but my hon. Friend will know that the real danger at the moment is that even with our existing machinery, a large number of young people seem to be driving without any licence at all. That means by definition that they have no insurance and contributes to the difficulties that arise.

Mr. John Leech (Manchester, Withington) (LD): In the long run, the proposal would be cheaper for young people. At the moment, they are expected to pay extortionate insurance costs because of the likelihood of their having accidents. If they are trained better, become better drivers and have fewer accidents, their insurance premiums will go down in the long term. I therefore do not accept that the cost will be prohibitive. In the long term, the proposal will save them money.

Mrs. Dunwoody: That is a valid point. Also, we were concerned by the clear evidence that people were taking exams for someone else. There were fraudulent cases. There were 70 convictions of offences arising from driving test impersonation. Another 75 people received cautions. A further 96 court cases are pending and 502 investigations are ongoing. We are dealing not just with people who are worried about the costs, but with those who think that it is quite all right to pay somebody else to get them a licence and then to go back on the road and drive. I find that worrying.

I do not wish to take up too much time, but the Department needs to take the report seriously. The Committee talked about the role of the insurance industry and the sort of driving tests that we have, and specifically about the role of penalties. I hope that the Department is saying urgently that, since the Road Traffic (New Drivers) Act 1995 has not succeeded in meeting its original objectives, its application and implementation ought to be reviewed. If the Department can assure me that it is beginning to do that and will come up with useful answers in a short time, we shall feel that our work has been worth while.

We are concerned that penalties of disqualification and licence revocation are not working as a deterrent and are being widely flouted. If we are to use penalties, they must be commensurate and effective. Something like vehicle forfeiture would at least impress upon the minds of those who are not playing by the rules that the matter is serious and savage. I used to threaten my late husband with the fact that if I wanted to murder him, I would use a motor car. In this country, we quite cheerfully kill and injure a large number of people every year with them. They are one of the greatest sources of death and injury, yet somehow or other we do not seem to feel that that is a serious matter that ought to be dealt with urgently.

Mr. David Drew (Stroud) (Lab/Co-op): I am interested in the idea in the report of graduated driver licensing. Good examples are given of countries that have increased the tariff of when young people should be able both to drive and drive alone. However, although there are good examples, there are other parts of the world where people can obtain a driving licence easily and use it to drive in this country. Did the Committee consider that? I fear that there are people who are not just young and inexperienced but have had no formal training.

Mrs. Dunwoody: That is relevant in my part of the country, because we have had a problem with an influx of eastern European drivers who have frequently flouted traffic laws, I think sometimes because they have simply not understood them. They certainly were not properly trained. The matter was not part of the remit of this report, but we have raised it with the Department more than once.

We are a bit sad and disappointed that there has not been a lot of progress since the publication in October of the Government's response to our report. We are told all the time that there is going to be a consultation document, but it has not been published and seems further away now than it was last October. It is more than a year since the Department published the second three-year review of progress towards the 2010 casualty reduction target, which referred to the need to

"reform fundamentally the way people learn to drive."

If that is the case, we need to ask why the consultation has not begun, and we need to put into operation whatever changes it comes up with, as long as the House of Commons has had the time to examine them in detail.

Everyone understands that the reform needs are complex. They are not simple because human beings are not simple, and their relationship with the combustion engine is the least simple thing in the whole of their lives. But the agony that is brought to any family by a death or serious injury is compounded if it comes in a motor car accident. Every Member of Parliament must deal in their surgery with families who are bereaved and completely bereft because they do not understand exactly what has happened or the reason for it.

I expect the Department to say not only that it will start urgent reform but that it will make its recommendations to Parliament very shortly. Otherwise, we shall continue to lose large numbers of young people to a wanton, pointless and utterly dispiriting pattern of injury and death that will cost us all dearly. I am proud of the report and of the members of my Committee who helped me to come to its conclusions. Unless the Department can say today what practical results it is offering us, we shall feel that, once again, a real opportunity has been lost.

2.48 pm

Bob Spink (Castle Point) (Con): It is a pleasure to follow the right hon. Lady—is that right?

Mrs. Dunwoody *indicated dissent.*

Bob Spink: No? The hon. Member for Crewe and Nantwich (Mrs. Dunwoody). We were having a discussion earlier and I expected to be corrected on that immediately. She should be a right hon. Lady, because she is a doyenne of this place. She is one of the most valued, highly respected and dedicated Members in the House. When she speaks, the House listens. She leads her Committee with great dedication and dynamism and produces good, common-sense-based reports, and this is one such example.

The hon. Lady mentioned attitudes and the invincibility problem, particularly for young men, not so much for young girls. She is absolutely right about that. It is a great problem and we must address it and find ways to get more training.

Mr. Eric Martlew (Carlisle) (Lab): The hon. Gentleman makes the point that that is true particularly of young men, not young women. I was talking to the association of driving instructors in my constituency. It pointed out that young women are starting to drive like young men, which must be a concern to us all.

Bob Spink: If that is the case, I am delighted that the hon. Gentleman has disabused me, and the matter should be addressed. I am sure that it will come through on the insurance statistics, as does the driving of young men.

Young people have one thing in their favour in relation to driving: they are generally more responsible with drinking and driving than more mature drivers. We should not allow today's debate to pass without mentioning that.

The hon. Lady talked about young people driving without a licence, often when they are under 17. Under-age drivers can be prosecuted for driving

"otherwise than in accordance with a licence",

contrary to section 87 of the Road Traffic Act 1988. Paragraph 19 of schedule 2 to the Road Traffic Act 1991 provides that an obligatory endorsement with points in the range of three to six and a discretionary disqualification will follow in a case where

"the offender's driving would not have been in accordance with any licence that could have been granted to him"

or, indeed, her. As a driving licence cannot be granted to a 16-year-old, it is argued that such an offence would not be endorseable. Although the provision might have to be interpreted by the divisional court, the submission is that that is somewhat tortuous reasoning, and the Department should consider that issue in the review that I hope it will undertake. The hon. Lady's report calls for that in the section on "The role of penalties".

Totally unlicensed drivers, including those who are too young to hold, or to have held, a licence are surely in the same position as those who have a licence but have failed to comply with the conditions thereof. It is difficult to see any logic in an alternative interpretation.

I shall now get to my reason for speaking in the debate. Every order of disqualification must commence from the moment the order is pronounced. That ruling comes from several cases, including Taylor *v.* Kenyon 1952 2 All E.R. 726. I do not choose that case to embarrass you, Mr. Taylor; I am sure that you were not even born in 1952. My point is that a disqualification cannot be suspended until a young person reaches 17, so if someone is caught driving at 14, 15 or 16 and gets a suspension, it starts immediately and they may be able to start driving as soon as they are 17. If they are given a year's suspension at 16, it should start when they are eligible to drive, not before. That is total nonsense. I hope that the Department will correct that error in the law. I congratulate the Committee again on its excellent report.

2.53 pm

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): I hope that the debate will help to resolve the scandal of the needless loss of young people's lives on our roads. We are all familiar with this issue, but it is rarely pinpointed or considered to be of major concern, and to require action. I suspect that we are all only too familiar with reading newspaper reports about young people who have been killed in car crashes, often at night and in a group. We all read about such cases and feel how tragic they are for the families and friends of the young people concerned, but it is not always understood that such incidents are not isolated. They are part of a pattern in which young people continue to be killed on our roads in large numbers. Although safety in general is improving, that is not reflected in what happens to young people on our roads. In 2005, 1,200 young drivers were either killed or seriously injured on our roads. That is more than three people a day, so we are talking about many young people. This issue is counter to the general trend of more lives being saved on our roads.

The Chairman of our Select Committee, my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody), who so ably guided us through the inquiry, mentioned statistics such as that in 1998, drivers aged between 17 and 21 accounted for 7 per cent. of the driving population but 13 per cent. of drivers in collisions.

[Mrs. Louise Ellman]

One in eight driving licence holders is under 25, but one in three drivers involved in a collision is under 25. Almost half of all drivers killed at night are under 25. One frightening statistic that we might remember is that 27 per cent. of 17 to 19-year-old males are involved in road collisions in their first year of driving. That stark figure should concern us all.

The statistics showed the Committee that the problem is far greater with young males than with young females. That might have changed, but no change was reflected in the figures that we saw. In 2006, 870 of the 17 to 19-year-olds killed or seriously injured on our roads were male and 281 were female. That balance reflects what has happened over several years, and it seems still to be the situation. The problem is about new and young drivers, and seems to be more strongly related to young males than to young females. Of course, our concern must be equal whoever is being killed or injured, seriously or otherwise.

The Committee considered various ways of addressing the problem and made several specific recommendations, all of which were practical and capable of being implemented. We considered restructuring the driving test to ensure that no one can pass it without one year of driving experience. That would involve raising the age of eligibility for passing the driving test to 18, and would stop what often happens now when people are anxious to drive. They rush their driving instruction, compressing it into a short period, and find out how to pass their test without having experience of different driving conditions. The evidence seems to show that experience of different driving conditions is very relevant to road safety.

Mr. Russell Brown: I agree wholeheartedly with my hon. Friend's comments. On the idea of not allowing people to take the test until they have been learning to drive for about a year, one thing that seems to help is the pass plus programme. If it succeeds in reducing numbers of accidents, should we not incorporate some of its objectives into driving lessons as youngsters head towards their tests? Young people focus on the day on which they can pass their test, but we should build more into the programme. Does my hon. Friend see the advantage of incorporating aspects of pass plus into it?

Mrs. Ellman: Yes, we considered the pass plus programme and similar initiatives, such as one conducted by Lancashire county council, but we were concerned that no full analysis was available of the benefits of such programmes. However, we were impressed by what we heard in our evidence sessions and we thought that such programmes should be incorporated into people's experience of driving.

When we considered restructuring the driving test, we recognised that it might involve changing how driving instructors are trained. In the evidence that we received, it was made clear that that was already under way, and that it was already recognised as being important.

The second area that we looked at was graduated licence restrictions. We asked for consideration of some restrictions on new drivers, possibly within the first year after they had passed the test, and based on evidence as to whether the changes would deliver results. In particular, we suggested that there should be a rule that virtually no alcohol was to be taken by young drivers. I am aware that there is a general consultation taking place on this issue in relation to all drivers.

We also looked at the possibility of restrictions on new drivers carrying young passengers at night. We singled that out because it seems that there is a high accident and death rate at particular times and in particular circumstances.

Mrs. James: I again refer to representations made by young people in my constituency, many of whom work in the entertainment and service industries. They told me that they rely on their cars late at night because public transport is poor, and that they share transport after working. One example is finishing work at McDonald's at 12 midnight and then having to make their way home. They felt that such a restriction would be particularly unfair. I am sure that my hon. Friend would agree that one of the important elements of the review is that it actually considers young people, their lives, the things that affect them, and how they would be affected in the long term.

Mrs. Ellman: I thank my hon. Friend for her comments. I accept that what she says is important. Indeed, I myself have heard those comments from young people since our report was published. It is for such reasons that we suggested that the changes be implemented in the light of experience as to whether they in fact deliver results. We are aware that such changes would affect the mobility of young people, and that that can be extremely important for employment as well as social life. That is why we made suggestions rather than recommending something definite. Of course, while I am sure that my hon. Friend's points are valid, they do have to be weighed against the other priority of saving lives and preserving good health.

In the third section, we considered changing attitudes. There is considerable evidence that young people, particularly young males, often see driving and driving styles as something to do with personality. They have an idea that what others might call aggressive driving is showing strong character or something of that nature. Since such driving is often identified with serious injury and death, we felt that it should be addressed, not just at the point of driving but much earlier. That is why we looked at schools, for example, and training about and awareness of safety issues in relation to driving, and to attitude and personality development as well.

I understand that these issues have been addressed in Sweden, and it would be interesting to know what progress has been made there. I was pleased with the Government's reference in their response to the possibility of a foundation level qualification in road safety. Those are all things that we felt should be considered.

We have received the Government's response to our report. They responded in detail to several proposals. What comes out of the response is a feeling that the Government are looking at these matters seriously, but instead of agreeing to any specific proposal, they are talking about more consultation. The response refers to producing a consultation document. As far as I am aware, that document has not yet been produced, so it would be helpful if the Minister indicated when it will be produced, and when action might be taken.

It is clear that our proposals are not without problems. There is the issue that my hon. Friend the Member for Swansea, East (Mrs. James) raised about effects on

young people's mobility. There is also the important question of enforceability. All those things matter, but perhaps what matters above all is saving young lives.

It is important that serious consideration be given not just to the content of the report but to its recommendations. We were struck by the broad consensus among the witnesses who gave evidence to our inquiry. Safety groups, driving instructors, road traffic organisations, members of the general public, local authorities and the police all agreed on the need to do something, and on the direction in which we are moving. I hope that at the end of this debate we will hear how things can be taken forward, because our prime consideration is to save lives.

3.5 pm

Mr. Eric Martlew (Carlisle) (Lab): I apologise for not being here for the start of the debate. I am pleased that we are having this debate today. The timing is good. I am sure that the Minister will be able to tell us that the consultation will take place fairly soon. I read a report in one of the tabloids that seemed to be based on a leak from the document. Of course, I do not believe everything that is in the tabloids—perhaps the Minister could confirm the report. We need consultation; it should be comprehensive but short. I believe there is a consensus in the country and in the House that we need to change the way that novice drivers learn to drive, and on the emphasis in the Select Committee report. As the Chairman forcefully said, any delay will cost lives.

My concern came about because of several horrendous accidents on the outskirts of my constituency of Carlisle. If people look at the problem in detail, they will find that rural roads, not urban roads, are often involved. I asked the Library for information about the number of youngsters being killed or seriously injured on rural roads. Like the rest of the statistics on road traffic accidents, the numbers were coming down. We must remember that this is one of the safest countries in which to drive, except perhaps for Sweden. In 2000, for some reason, the numbers for rural roads started to increase dramatically, from 318 to 382, I believe, and that was when my attention was drawn to the problem.

The mother of a young teenage girl who had been killed tragically in one of the incidents outside my constituency came to see me. Her daughter had been a passenger in the car of a novice driver. At our meeting, the mother explained things and asked at the end, "What are you going to do about it?" It was difficult to reply to that lady. She knew that it was too late for her daughter, but she did not want other people to experience the same anguish.

The Parliamentary Under-Secretary of State for Transport (Jim Fitzpatrick): May I say to my hon. Friend that we in the Department are also concerned that, although progress is being made in reducing deaths and serious injuries across the country, the numbers are not falling as quickly on rural roads? We announced only two weeks ago an £8 million package for four beacon authorities—four authorities that have been doing better than others—to pilot some additional research and address the problem of rural roads in particular. That evidence will be used to shape policy for rural roads in the future. My hon. Friend was right to raise the issue.

Mr. Martlew: I am grateful for that; I was not aware of that programme. I do not know whether the beacon authorities have been chosen; but if they have not, perhaps Cumbria county council can be considered, as it has been active in this area.

As I said, that lady came to see me and explained what had gone wrong—the tragedy of it all—and that she did not want other parents to go through what she did. When the Select Committee report came out, I took a copy to her. I said, "There you are." She said, "That's fine, but it's only words. What we need is action." That is what I say to the Minister today.

At the time, I also received correspondence from the then chief constable of Cumbria, Michael Baxter, and Cumbria police and the Cumbria road safety partnership also gave evidence to the Committee, because they were concerned about the issue. They are the people who must go to the accidents, deal with the problems and then knock on the parents' doors, and they feel that greatly. I must congratulate the partnership, however, because Cumbria's road traffic accident figures for 2007 are out, and the number of casualties is down right across the board. The number of fatalities has gone down from 55 to 44, and there has been a large reduction in the number of young people involved. Does the Minister have any preliminary figures for the rest of the country, so that we can find out whether Cumbria's figures represent a trend or are simply the result of the work that has been done there?

Let me turn now to one or two aspects of the report. I appreciate why youngsters will not like a minimum 12-month learning period, but they will understand it because they are used to minimum learning periods. It takes two years to do an A-level and three years to do a degree, so youngsters should understand that it will take a year to get a driving licence. There is a logic to that.

I was talking to members of the Driving Instructors Association in my constituency just before Christmas, and one instructor said that somebody had rung up to cancel her son's lesson because it was too frosty and she did not want him to be learning to drive in winter conditions. But people should learn to drive throughout the seasons, because as they become more experienced, they learn to adjust to situations, whether slippery roads or fog.

I remember the first time that I drove on my own on a rural road at night, and it was frightening. It makes no sense to say that we can train people to drive on a dual carriageway, but not a motorway, when they can go on a motorway the day after they have passed their test. We should therefore be looking at a 12-month period and at having a logbook for that period. Not all novice drivers are youngsters, but youngsters are used to doing project work and to building up logs for their examinations. During that period, however, they must also have a minimum amount of professional tuition to ensure that they have gone through the programme.

My hon. Friend the Member for Swansea, East (Mrs. James) said that youngsters would have difficulties, particularly if they lived in rural areas, and I am conscious of that. Young people want their independence and freedom, and they need to be able to drive to get employment or to continue their education as apprentices

[Mr. Martlew]

or at college, but there is little or no public transport in rural areas, which makes youngsters very dependent on their parents.

Although I did not move an amendment on this issue in Committee and although this seems contrary to what I have said, will the Minister consider bringing down to 16 and a half the age at which people can start learning to drive under instruction? That would still give people a year. That sounds a bit radical and it might be counter-productive, but we must accept that there is a problem.

If we are not careful, youngsters will give up on the driving test and not take it at all. Although it is illegal not to have a licence, people do not need one to drive a car, and if we are not careful, fewer people will take the test. The other problem is that cars are not the only sort of mechanical transport, so if we prevent people from driving them, some will graduate to motorbikes, which, as we all know, are far more dangerous than cars. There must, therefore, be a balance.

I am totally in favour of the 12-month proposals, but the training should be professionally guided. I have some concerns about the effect that the proposals might have, particularly on youngsters in rural areas, and, as has been said, there is the issue of people going to work in the entertainments industry. In years gone by, that would have been sorted out by the employer, who would have got taxis to take people home, and I suspect that that could still happen.

Another issue is the graduated licence. Under such an arrangement, there would be restrictions on newly qualified drivers, perhaps for a year. Again, that is probably correct.

Mr. Russell Brown: I want to raise an issue that I raised in an intervention on my hon. Friend the Member for Liverpool, Riverside (Mrs. Ellman). The focus for young people is on passing the test, but we all know that they can sit the theory test on their 17th birthday and be driving on the roads within two or three months if everything goes well in the practical test. I accept that we need to do something to broaden that period, but one of the big issues is that there are no restrictions on the size of car that young people can drive, so someone aged 17 could drive a 2 or 3-litre car. Does my hon. Friend think that there should be restrictions on the size of vehicle that people can drive under a graduated licence process?

Mr. Martlew: As my hon. Friend will know, I agree with him on many issues, but I disagree with him on that one. There is a myth that youngsters will get into a brand-new BMW with a 3-litre engine and tear off, but that rarely happens. The reality, as the Committee found, is that the vast majority of youngsters, including those involved in accidents, drive cars that are 13 years old on average. They are small cars, which have fewer safety features than the brand-new BMW and give little protection in an accident, but they can go fast as well.

Mr. Leech: The hon. Gentleman's final point was one that I was going to make. Even cars with the smallest engines can still do 70 and 80 mph.

Mr. Martlew: People will drive those small cars on their own and everything will be fine, but the tragedy is that, when they put five of their mates in, the car will react and corner completely differently. As we have seen so often, it is the small cars—the Peugeots and the Golfs—that go off the road, hit trees and cause carnage. Although it is rare that I do not agree with my hon. Friend the Member for Dumfries and Galloway (Mr. Brown), I cannot agree with him on this occasion.

Another issue relating to the graduated driving licence is the introduction of a different alcohol level for newly qualified drivers, which my hon. Friend the Member for Liverpool, Riverside Mrs. Ellman mentioned. Once we have two levels, the issue starts to become complex, but introducing different levels is probably the right approach. We all know that a little alcohol has more effect on young drivers, so we should try to reduce the permitted level. Of course, there is a feeling that many youngsters are more responsible than older people on this issue, but we all know that youngsters cannot take a drink as well as those who are 10 years older. On balance, therefore, I think that a different approach is right, although the issue is complicated, and I know that the police will be concerned.

Another issue is enforcement. At one point, there was a dispute between the then chief constable of Cumbria and the then Transport Minister. The Minister felt that the police would not enforce provisions such as those that we are discussing, but the chief constable said that they would. We must therefore put the onus on the police, and if they do not enforce the provisions, that is their responsibility.

We talk about novice drivers, and some people may think that what is proposed is unfair to more mature novice drivers and that it would be more pertinent if the title of the report referred to young drivers. However, it would not be possible to justify that. A 12-month learning experience for any driver will mean that they will be a better driver. I do not think that an age consideration should be included.

If we are to adopt 12-month training, we should expect a higher pass rate, on the basis that people have been trained well. I got my first provisional licence when I was 17. I think I was about 19 and a half, having failed several tests, when I got a full licence. If we extend the period, we should get a higher proportion of passes, so people will not be disadvantaged. My hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) has already said that time is of the essence. Every year that we delay, there will be more deaths and more family tragedies. We shall never eliminate them totally, but if we can bring about a 10 or 20 per cent. reduction in the number of young people who are killed, we shall have done a good day's work.

3.21 pm

Mr. David Drew (Stroud) (Lab/Co-op): I am delighted to take part, albeit briefly, in the debate. I had not intended to, but I am intrigued by the answers that the Government have given to the Select Committee report. Having read many responses to many reports—I exonerate the Minister, because fortunately he was not in office at the time—I wonder who signed off the responses to the present report, which raise more questions than they

answer. The issues are important and should be discussed, and I hope that my hon. Friend the Minister will give me some assurances that attitudes have changed somewhat.

In the Select Committee's initial recommendations, recommendation 16 dealt with the need for an evaluation of the impact of the hazard perception test. The Government's response states:

"Statistically, accidents are not common, so that in order to conduct an evaluation of the impact of the hazard perception test on accident rates, it has been necessary to collect data for a sufficiently large sample to ascertain whether the effects are statistically significant. This takes time."

We all know that the most likely way in which a young person will die prematurely is in a road traffic accident. That is, historically, a fact of life. One does not want to labour the point about how risky young people's lives are, but it is a truism that that is what they most need to be aware of. For the Department to say that it cannot carry out an evaluation of whether the hazard perception test has been of value seems bizarre. I have my own misgivings about aspects of the hazard perception test, but it exists and presumably it is of value. One would have hoped that people who had had accidents would be cross-examined in some way about the degree to which the accident was caused by lack of training or preparation.

Recommendation 19 is about the driving test and whether it needs to be reformed and should include a high-speed element. The Government's response is:

"The majority of driving tests already incorporate a section of driving on a high speed road."

Either such an element is incorporated in the test or it is not. It seems a funny sort of test otherwise. One can imagine an exam in which one group of students takes 10 questions and another takes 12. How can there be any crossover between those groups? Of course, one of the ways in which someone is most likely to kill themselves is by not knowing how to drive properly on a fast road. Some of us would argue that motorway driving must be part of the examination process, although I accept that that would be difficult in some parts of the country, because it would be necessary to drive 100 miles to get to the nearest motorway. However, it is not impossible to find a relatively fast road. The fact that it is still not laid down that someone should, in the driving test, be tested for capability on fast roads seems bizarre and unfair.

My hon. Friends the Members for Crewe and Nantwich (Mrs. Dunwoody) and for Liverpool, Riverside (Mrs. Ellman) stressed the importance of making progress with driver education. I would not say that the Government's response on that issue was unhelpful, although it is not long, but it discusses the possibility of developing a foundation level qualification. The Government's desire is to keep people—I do not mean that in a pejorative way, so I shall say encourage people to stay—in education or training until the age of 18. Several schools and colleges in my area are willing to offer driver training as part of the inducement, and some already do—that is one of the reasons why people choose their college, but I am not sure whether that is within all the rules, so I shall not labour the point. So in reality such training is already going on.

What makes the current situation strange is that we have an audience who, unlike many other audiences, is already easy to access. I know that there is a group of those not in education, employment or training, and I do not pretend that it is not a difficult group. There may be some research suggesting that that group is particularly vulnerable to road traffic accidents. However, given that we can easily get access to many thousands of young people, I cannot see why we cannot develop, in places of education, appropriate ways to teach people not necessarily the totality of driving but certainly some of the theory work, so that they have an advantage. That is a good reason for them to stay in education, and a good way to develop their skills. I am not sure whether the qualification would be the be all and end all, but we need thousands of entrants to the driving industry, so it would seem that, rather than being a superficial, unnecessary appendage to the education of our young people, spending more time on that training is pretty sensible.

Cycling proficiency has continued despite everything, and I think it is incredibly important that young people should be given some training at a young age in the joys but also the dangers of cycling, so why do we not take the same approach with driving? The vast majority of the group who take cycling proficiency will go on to learn to drive, but while we have them ready and willing—if we make it worth their while, of course they will be willing—we ignore the opportunity. Things are left to chance.

Recommendation 40 is about penalties and whether enough emphasis is placed on road traffic duties and active policing. We all know that there has been a covert strategy to reduce the amount of time, effort and certainly money that police forces put into their road traffic duties. Whether there has ever been an edict from the top, or whether that area of policing has just been seen as a bit of a soft touch, we all know about that. The Government's response states:

"It is a matter for individual chief officers to decide how exactly police resources are deployed."

This is a context in which far more people are in danger than in any other walk of life. In comparison with the chance of being murdered, the chance that someone will be involved in a serious accident is exponentially greater. Yet we have increasingly allowed the police or those who make decisions on their behalf to walk away from that. I know that the idea is that we have an alternative in the form of safety cameras and those lovely traffic officers going up and down the motorway. I am not against that, but I am against people thinking that they can drive badly and get away with it, and the penalties often being so pathetic that people think society is not serious about the issue.

Young people know that they can drive badly and get away with it. If they drive badly when they are young, there is no evidence to suggest that they will drive better when they are older. One hopes so, but although I do not know of any research to suggest this, there are worries about how bad drivers are created, and why they continue to drive badly.

I turn to rural roads. The Department for Transport has done very good work—it deserves congratulations on that—in making roads safer in urban areas through measures such as the safer cities initiative in Gloucester, next door to me, although a number of the measures were controversial, and unpopular with some people. Safety on rural roads seems to be going in the other direction, and there are more accidents, fatalities and serious injuries on such roads. We must recognise

[Mr. David Drew]

that and ensure that young people particularly—they grow up in rural areas as well as urban areas—receive driver training. I am not pretending that that could be introduced in a test, because there would be huge disparity between urban and rural areas. Training could be provided on faster roads, but one could not always take someone to a rural road.

We must ensure that people are conversant with different road conditions. Most road accidents, sadly, occur because people do not drive according to road and climatic conditions, let alone what they may have done to their bodies earlier. All those factors contribute to the problem, and we do not take it seriously enough, although we are better in this country than some others. That is why I raised with my hon. Friend the Member for Crewe and Nantwich the issue of people from different countries who can drive on British roads with no problem if they have a licence that qualifies them to do so. That causes tensions, and if they have not been trained, there are likely to be all sorts of adverse consequences.

I want the Minister to treat the report seriously, and to have a word with whoever drafted the response because, at best, it was not terribly positive, and to move on. The matter is important, not superficial. All of us who have children worry about our kids when they learn to drive, and what will happen to them. As hon. Members have said, we all bear the consequences, because we meet people who have lost their nearest and dearest, often through no fault of their own. The problem deserves attention and, thankfully, this debate has provided that.

3.33 pm

Mr. John Leech (Manchester, Withington) (LD): I pay tribute to the amount of work that the Select Committee does, and in particular to the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), not because I happen to be a member of the Committee but because the House knows that the Committee's work has been excellent, certainly since I came to Parliament. It does an excellent job in keeping the Department for Transport, the Secretary of State and all its Ministers on their toes.

I thank the road safety charities and other organisations for their work in promoting road safety, particularly Brake, which puts a lot of time and energy into the all-party group.

I warmly welcome this debate on the Transport Committee's report on novice drivers. I have a personal interest in road safety, and I am a member of the all-party road safety group. The number of young people killed and seriously injured on our roads is appalling. Significant progress has been made in reducing the overall number of deaths and serious injuries, but whatever figures are used, the proportion of young people who are killed or seriously injured is disproportionately high. I shall give a few figures.

In 2006, 794 drivers or passengers under 25 were killed on our roads. One in eight car drivers are under 25, but one in four drivers who died on the roads in 2006 were under 25. One in two drivers killed at night are under 25, and 27 per cent. of 17 to 19-year-old men are involved in a collision as a driver in their first year of driving. Young drivers under 20 are nearly 12 times more likely to be at fault for an accident than men aged between 35 and 65. The number of deaths of drivers aged 17 to 20 rose between 1992 and 2005, but the number of young people getting licences fell, so the death rate rose considerably more than the raw figures suggest.

It will come as no surprise to hon. Members that, as a member of the Transport Committee, I support, on the whole, the recommendations in its report. The Liberal Democrats are undertaking a transport policy review, and this report will provide a valuable contribution to that review.

This afternoon, I want to concentrate on four issues concerning novice drivers. The first is driver training and testing. The learner driver training scheme clearly requires a complete overhaul. There is an attitude among learners that they are learning to pass the test, rather than learning to drive. That was clearly evident when a number of Committee members went to observe young driver attitudes in the Royal Automobile Club's study. At the same time, driving instructors understandably focus their attention on getting people through the test, rather than teaching them how to drive.

According to a number of witnesses, voluntary additional schemes such as pass plus have helped to reduce novice driver casualties, but evidence from the Association of British Insurers suggests that that has resulted in only a marginal improvement in accident rates. I suspect that that is partly because the people who go on the pass plus courses are likely to be more responsible, cautious and conscientious about their driving in the first place. The voluntary nature of pass plus has resulted in only 14 per cent. of people who have passed the driving test taking up the additional training.

In 2002, the Driving Standards Agency launched the voluntary driver record logbook, the effectiveness of which was to have been reported on at the end of last year. That has not yet happened, and I hope that the Minister will be able to give an update on that. Any proposed changes to the testing process should incorporate a compulsory logbook if that proves to have been effective.

I support the view that there should be a minimum learning period of 12 months. The learning should be structured so that new drivers cannot cram the training into a couple of months at the end of the 12-month period. That would also give novice drivers the opportunity to drive in different weather conditions. I was amazed to hear the hon. Member for Carlisle (Mr. Martlew) say that a mother cancelled her son's driving lesson because it was too frosty. One would have thought that that was exactly the sort of weather in which learners should have lessons, so that they gain valuable experience.

Surely it cannot be right that, in theory, a novice driver can take their test having never driven at night, in the rain, in the snow or anywhere outside the small driving test area. The driver training scheme should include a minimum number of driving hours, and there is a strong case for compulsory lessons with a qualified instructor, as well as for reviewing the age and experience required for someone who is not a qualified instructor to supervise a learner driver. At the same time, we must ensure that the quality of tuition from qualified instructors is of an equally high standard across the board—from the large national organisations to the small local driving instructors who work alone.

Evidence from New Zealand, which introduced graduated licences as early as 1987, suggests that they have been successful in cutting casualty rates among novice drivers. There has been a reduction in car-crash injuries of 23 per cent. for 15 to 19-year-olds and 12 per cent. for 20 to 24-year-olds. Restrictions imposed on novice drivers in New Zealand include a ban on driving between 10 pm and 5 am, not being allowed to carry passengers unless accompanied by a fully licensed adult driver, a reduced drink-drive limit and the requirement to take a further practical test after the restricted period.

There is a case for introducing restrictions on night-time driving and carrying passengers late at night. I accept that young people often use cars to get home from work, but the reality is that they have to get to and from their jobs before they learn to drive. It is not a good enough reason to stop the restriction on driving at night, especially when one in two casualties at night are young drivers. We have to take that seriously and consider imposing some sort of sanctions on young people driving at night. The insurance industry can and must play its part in reducing the risk by imposing restrictions on drivers using their cars at night, or offering lower premiums to young drivers who are prepared to stay off the road at night.

I disagree with the Select Committee report on lowering the drink-drive limit for young drivers. That sends out the wrong signal and suggests that it is okay for people to drink more after they have gained a certain level of driving experience. However, I welcome proposals to lower the drink-drive limit. Previously, my party has tabled amendments to reduce the limits to bring them into line with most of Europe. We want people's attitude to be that one drink is one too many, not that they must have 12 month's driving experience before it is okay to have a drink and then drive.

All the measures proposed in the report to reduce deaths and serious injuries warrant full consideration by the Government, but at the same time we need to look at how to change young people's attitudes to driving. The Royal Society for the Prevention of Accidents states:

> "Young drivers, especially men, tend to be overconfident. They consistently rate their own skills as above average."

I think that that is the case in all walks of life, not just in respect of driving. It continues:

> "They commonly see 'good driving' as the ability to master the controls of the car at higher speeds. They tend to over-estimate their ability to avoid the hazard and its consequences. It takes new drivers up to two seconds longer to react to hazardous situations than more experienced drivers."

The Parliamentary Advisory Council for Transport Safety noted in focus groups that driving gives young people, especially men, a sense of identity, self-confidence and the opportunity to express themselves. It is therefore little wonder that accident rates are higher among novice drivers. Research by Reading university showed that young people of secondary school age were already developing undesirable attitudes to driving and an affinity for speed.

There seems to be strong evidence for early intervention and education, and a strong case for the inclusion of road safety in the national curriculum and for it to be brought into schools. There is compelling evidence from the Under 17 Car Club that practical driver education between the ages of 11 and 16 has a positive impact on people's driving. Statistics show that former Under 17 Car Club members have an accident rate that is half that of other novice drivers.

There would, of course, be a cost implication for improved education, but the potential benefits would make it money well spent. As well as cutting down on untold personal tragedies, the financial savings from eradicating fatal and serious injury accidents would, according to the Department for Transport's figures, be in the region of £2,645 million, based on 2006 figures. However, I accept that that would apply only if there had been no fatalities or serious injuries, rather than the 794 that I mentioned earlier.

Once again, I welcome the debate. I hope that this debate and the report of the Transport Committee play their part in bringing about real, lasting changes to road safety strategy that will have a lasting and positive impact on the number of young people whose lives are devastated or ended on our roads.

3.45 pm

Mr. Robert Goodwill (Scarborough and Whitby) (Con): It is a great pleasure to serve under your chairmanship, Mr. Taylor, despite the fact that it reminds me of the drubbing that I received in my 1997 general election campaign.

I pay tribute to the work of the Transport Committee, of which I was a member for the first 18 months after my election to the House, and to its Chairman. There are not so many people who only need to be referred to by their first names—Kylie, Madonna and Boris spring to mind—but, certainly, the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) falls into that category. I remember, in the corridor outside the Select Committee, having great fun chatting to the hapless witnesses and describing the interrogation that was likely to befall them. I am not sure that all the hon. Lady's tactics would meet the requirements of the Geneva convention for the interrogation of prisoners.

I also pay tribute to the support given by the secretariat of the Committee and to the Parliamentary Advisory Council for Transport Safety.

As somebody with one child of driving age and another who is almost of driving age, this issue really concerns me. My father-in-law, who was in North Yorkshire police for his entire career, has told me about occasions when he had to knock on the door to inform parents that their children had been involved in fatal or very serious accidents. It is no consolation to hear that ours is one of the safest countries in the world in which to drive. However, figures released today by the Department show that, in the third quarter of 2007, further progress had been made.

We have heard the statistics, which make grim reading. In 1998, 7 per cent. of the driving population was between 17 and 21 years of age, but 13 per cent. of collisions involved those drivers; almost half the drivers killed at night are under 25; and 27 per cent. of 17 to 19-year-old males involved in road collisions are in their first year of driving.

[Mr. Robert Goodwill]

We have also heard about the gender imbalance. My hon. Friend the Member for Castle Point (Bob Spink) mentioned that, despite the fact that the figures are slowly creeping up among women drivers, there is still a big discrepancy between accidents involving boys and girls. The latest figures show that 870 males between 17 and 19 years of age were killed and seriously injured, but the comparable figure for female drivers is 281. This is, by and large, a big problem with male drivers. We should be careful, when changing the rules, not to discriminate unfairly against women drivers, who probably are not so much to blame.

Of course, other factors come into play. When one sees a young man and his girlfriend in the car, it is almost always the young man who is driving. In the days of the sun-strip, the name "Wayne" was nearly always over the driver's seat not "Sharon". We need to be very careful.

We also need to look at the balance between skills, which can be tested and taught, and attitude. Unfortunately, the more we look, the more we see that the problem relates to the attitude of drivers, rather than skills. Perhaps that is the difference between boys and girls in this regard. Perhaps the girls have a much more responsible attitude to driving, rather than having, necessarily, much better skills—although I am sure that the hon. Member for Crewe and Nantwich would argue that women have better skills in almost every field.

When the report was in the newspapers over Christmas, when the Government were floating a few ideas, such as a 12-month learning period, an official at the Department was quoted as saying, "Of course, there may be one or two Lewis Hamiltons who could get through the test in a much shorter period." I have to tell the Minister that Lewis Hamilton was clocked doing 122 mph in France in January this year. The problem is not a person's skills but their attitude. If the test were made more difficult, would we stop the people who are causing the problems getting through it? I think not. Often, the people who fly through the test with flying colours, rather than those who scrape through, cause problems on the roads.

We also have a problem with some of the TV programmes that young people watch. I would not want to say a word against Jeremy Clarkson and his excellent "Top Gear" programme, but there is no doubt that his team revel in speed. The message that comes across is that speed is cool and sexy. If someone cannot afford a Ferrari to attract the opposite sex, perhaps they can drive their Ford Escort like a Ferrari. That is a real problem.

Mr. Leech: It is not just TV programmes that are to blame, but also video games.

Mr. Goodwill: The hon. Gentleman is absolutely right. There is no doubt that a young man who has spent all weekend driving on a computer game may well have convinced himself that his driving skills are much greater than they actually are.

The Minister and I attended a recent transport conference at which a psychologist talked about how people's minds develop. He said that the frontal lobe executive functions in young men are not sufficiently developed to foresee the problems down the road. In many cases, that can be a good thing. Our armed forces exploit the fact that young men do not always see the consequences of their actions. The bravery that they are showing in Iraq and Afghanistan would probably be tempered if they were in their 50s and had the frontal lobe executive functions of an older person. All too often, young people do not see the consequences of their actions.

Another problem is that, when a car is full of passengers, a degree of egging on goes on. Certainly, we have banned my son from going in the car with one of his friends because we know how bad his driving is. If he had four or five young men in the car with him—or, even worse, young girls—he would drive in an even more dangerous way. I recently visited Roundhay school and talked to a group of sixth-formers. They were astounded to hear the fact that, for the girls in the room, the person most likely to kill them was their boyfriend. The most likely cause of death for a young girl these days is in a car accident. In most cases, that car is driven by their boyfriend.

We have had some mention of the problem of alcohol and where the limit should be set and whether we should have a different limit for young drivers. With alcohol, it is an interesting fact that people who want to adhere to the law give a fair safety margin. With speeding, however, people will drive at the limit or perhaps a little bit over. In the case of drink-driving, people who wish to obey the law will drive under that limit by quite a reasonable margin. The safe driving speed is, in many cases, well below the limit. There is a case for having a lower drink-drive limit for younger drivers. I do not agree with the hon. Member for Manchester, Withington (Mr. Leech) that such a move will send out the wrong message. At six points, we already have a lower points limit for young drivers in connection with speeding. As the hon. Member for Carlisle (Mr. Martlew) said, as people get older, they become more used to drinking alcohol sensibly.

Mr. Leech: I thank the hon. Gentleman for giving way a second time. There is a very strong case for reducing the limit for everyone, because we should encourage people not to drink at all when they are driving andnot to think that it is okay to have one drink. The suggestion that we have a lower limit for younger drivers sends out the wrong signal: people might think that, when they get through the probationary period, it is okay to have a drink. It is not.

Mr. Goodwill: We will agree to differ on that one. I am not so sure whether that message would be sent out. We have a six-point limit on speeding and that does not send out the message that it is okay to speed. It recognises that young drivers are less able to cope with speed and less able to cope with drinking.

I will now touch on a couple of points that have not been raised in the debate. There are groups of people who have not been covered by the report but who are still novice drivers. The first group is made up of returnees. For example, when I was 19, I took my motorcycle test on a BSA Bantam, which was capable of about 50 mph. I could go out now and become a born-again biker and buy a brand new Ducati 900 and roar down the motorways and around the country roads at breakneck speed. Under the definition in the

report, those people do not fall into the novice driver category, but novices they are. They are novices at handling the power and the speed of those vehicles. If we look at the figures, we can see that motorcyclists and people in their 40s and 50s are a group that we need to address. Many returnees are older drivers. Widows, for example, may have had a driving licence for many years but not driven, and then they find that they have to start driving. Perhaps we should look at some training for them.

There is also another group of older novices: people who do not have a driving licence. Joyce Walker, a redoubtable lady in my village, recently lost her husband, who was a former Desert Rat tank commander. Despite being well into her 70s, she decided that she would have to learn to drive and get a licence, because driving was the only way that she could get to the shops or have any sort of social life. I would be concerned if measures introduced to make the tests more difficult and to make it take longer for younger drivers to get a licence impinged on that type of driver; they are not the sort of people who are causing death and carnage on our roads.

Mr. Martlew: Is the hon. Gentleman advocating that we have two standards; that young people should do a year and older people should not?

Mr. Goodwill: Not at all. My point is that any change that is introduced must take into account the fact that not everyone who learns to drive is under 20. We cannot have an easy test and a hard test, but the universal regulations should recognise the fact that not only younger drivers take the driving test in this country. The same is true for some foreign drivers. Although some residents of Commonwealth countries can get a British driving licence, others must retake their test. It is difficult to tell someone who has been driving all their life—possibly even a professional driver—that they must wait 12 months to get their licence, despite the fact that they have been driving for many years in a different country.

Mr. Martlew: I am sorry to interrupt the hon. Gentleman again, but he is speaking from the Conservative Front Bench. Will he tell us whether he supports the Select Committee with regard to the year-long learning period?

Mr. Goodwill: It is something that we are looking at very closely. We will unveil our Green Paper towards the end of the summer, but a number of issues need to be addressed. The year-long period would not meet our requirements in the case of rural-proofing policy. As has been mentioned by the hon. Member for Swansea, East (Mrs. James), many young people need to access work and education. Often, the only way that they can do that is by driving. If they have to wait until they are 18 before they can drive and then face a 12-month period before they can get a full licence, that would create problems. They could not access work and education, which they are accessing at the moment. We could not support in its crude sense a 12-month period, although the idea floated by the hon. Member for Carlisle Mr. Martlew is not daft at all. Perhaps people could start some sort of instructed driving before the age of 17.

One of the problems recognised in the report is that many people passed their tests without having any proper instruction. Although this is not our policy at the moment—I am just thinking out loud, following the point made by the hon. Member for Carlisle—I suspect that young people would have an incentive to undergo proper driving instruction if that was the only way that they could gain experience of driving before the age of 17. There is a precedent in the case of HGV vehicles and our armed forces. Members of the armed forces can drive vehicles that they would not otherwise be able to drive until the age of 21.

The other issue that we need to address is that of the CO_2 implications. As a parent living nowhere near anything that my children would want to go to, we have a lot of double journeys, taking children to ballet classes, scouts and so on. If young people could not drive, there would be a lot more double journeys and parents driving around the countryside.

The point made about schools was a very good one. A friend of mine was recently caught by a speed camera. He was slightly over the limit, so he was given the option of going on an educational course. He was rather cynical about the whole thing, but when he came back, he felt that it had been a useful operation. He did not feel that people would just sit through the course without paying attention. It was a very useful experience for him. I am not sure how wide the practice is of showing such videos in schools, but a day spent in school instructing children in the dangers of driving and of speed would be a day spent very well indeed.

We see a number of problems with a 12-month learning period, but that is not to say that we would not want to examine ways of making the test more relevant to modern driving and trying to address the attitude problems, as opposed to just the skills problems. Of course, attitude is perhaps something that we cannot teach people just by giving them a few more lessons.

The insurance industry has an important role to play. We have heard that the pass plus course is taken by only 14 per cent. of drivers, despite the fact that many insurance companies offer a discount for drivers with pass plus. Some insurance companies offer policies with night-time curfews, which I think are good. The Department is conducting a trial on fitting satellite-activated speed limiters to cars. Sadly, many of the cars driven by young drivers are old and it would not be appropriate to fit that technology, but perhaps a way forward would be for insurance companies to offer lower premiums for drivers if they have a satellite-activated speed limiter fitted to their car.

We need more action against unlicensed and uninsured drivers and cars without an MOT. The Government could do much more about the problem of car cloning. It is much easier for people to get away with driving without a licence, an MOT or insurance if they put a false plate on their car. The ease with which people can obtain a false plate to stick on a car is overdue for attention by the Government.

In considering the way forward, we need to strike a balance between the freedom of young drivers to enjoy the benefits of mobility and our responsibility to safeguard young vulnerable people. We must look to evidence-based proposals coming from the Government. The Minister is wise enough not to be drawn into knee-jerk legislation or regulation and will base his decisions on research and experience in other countries. I look forward to the publication of the consultation document and to engaging

[Mr. Goodwill]

positively with Her Majesty's Government to gain a wide consensus on any new proposal. I look forward to hearing what the Minister has to say. Perhaps he will be more expansive than the Government response to the Select Committee's report, which could perhaps be described as a holding position. I look forward to progress and further announcements from the Government.

4.2 pm

The Parliamentary Under-Secretary of State for Transport (Jim Fitzpatrick): It is a pleasure to see you in the Chair, Mr. Taylor. I shall make some opening remarks and then deal with points raised by hon. Members. I congratulate my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) on raising this important issue again. I acknowledge her strong personal interest and that of the Transport Committee, of which she is the distinguished Chair. She is right to press the Government on the matter and to recall that, in our evidence to the Committee last year, we stated that we planned to have started a consultation by now. I join the tributes paid to the Committee for its work in this area and more generally.

I would like to make it clear at the outset that the Government share the concerns expressed this afternoon, in earlier debates and by the Select Committee. I am very grateful that the Committee supported the reform plans that we outlined to it in evidence. I strongly agree with its recommendation that new measures should be clearly based on evidence. We have plenty to publish when our consultation begins. It has taken longer than we had hoped to publish consultation proposals, but that is not a signal that we are going back on them. We remain fully committed to the fundamental reform of driver training and testing that we promised last year.

When the issue was last debated in this Chamber, on 17 October 2007, I began my remarks with a defence of the majority of young drivers, who want to be safe and responsible. I would like this afternoon to make some observations about the general standard of driving, against which novice drivers are often measured.

We have made considerable progress in reducing the casualty toll on our roads, as a number of hon. Members have acknowledged. Those of us with long memories remember a time when there were more than 20 deaths every day. Now, that number is less than nine. There has been progress, but that is still a terrible toll. Our record is one of the best in the world but, as has been said, more than 3,000 people are still killed on our roads every year and more than 28,000 more are seriously injured.

We know that most accidents are down to basic errors by people who would be regarded as experienced drivers. I am not setting aside the over-representation of new drivers in the figures, which is very worrying, but they are still a minority in the accident record. Despite all the changes that we have made over many years, the general standard of driving needs improvement. People are not very ready to accept criticism of their own driving, but we know that new drivers learn a lot from those who are more experienced, especially about what is perceived to be an acceptable standard of driving.

New drivers have too many accidents. That makes their insurance almost unaffordable. For a few—but too many—those accidents bring death and disability. They are especially vulnerable in the first few months after passing the test—immediately after they have completed the training that should have made them safe drivers. Young people are almost fatalistic about having accidents as novice drivers. They know that they must do some training to pass the test, but they seem to expect to teach themselves "real driving" once they have passed. They have no guide for that self-instruction. They think that they will pick it up like everyone else, perhaps experiencing a knock or two on the way. They hope sooner or later to become "experienced drivers" in that hit-and-miss fashion.

Naturally, we do not believe that young people should be left to learn such a vital skill in that fashion. They deserve good training that makes them safe drivers who can enjoy the freedoms that adulthood brings. A driving licence should be a passport to good jobs that involve driving and should give insurers the confidence to offer better rates to novice drivers.

Last February, we promised fundamental reform of driver training and testing. We said that we needed a comprehensive package of reforms: education to influence attitudes before the age of 17, thorough training and a reformed assessment process. We put at the heart of our reform a new competence framework setting out the knowledge, skills and attitude required for safe driving. That will be the foundation of all our work. There will be an overhaul of the driving test, making it a thorough, modern and accessible assessment of the key components of safe driving. None of this is simple, as my hon. Friend the Member for Crewe and Nantwich said in opening the debate. The practical challenge is immense. For one thing, 2 million practical tests are taken every year. Too many candidates attempt the test too soon and fail, but about 750,000 people pass. A new system must be able to handle numbers on that scale, and we have to be sure that changes will make the system better and will work before we change the rules.

We have therefore been talking, and listening, to a wide range of interests, starting with the customers, including people learning to drive. My hon. Friend the Member for Swansea, East (Mrs. James), who is no longer in her place, mentioned that we should be consulting young people, and they can and have made a valuable contribution to our thinking. They may not have been involved in earlier debates about changes to driver training and testing, but we have already started talking to them this time, not only about how things might change but about how to encourage young people to respond to the consultation.

Employers and insurers want to do business with young people. More and more new jobs involve driving, especially delivering goods and services to people's homes. However, employers tell us that a driving licence does not give them the confidence that a recruit is safe, and some are investing considerable effort and expense in training new employees. Insurers tell us the same: they have to treat all young people as high risk because there is no way of distinguishing the safe ones. We want to work with employers and insurers to get the training right. Meeting their needs will help everyone who is learning to drive.

Many others have a keen interest in road safety and the welfare of young people. There are more than 40,000 registered driving instructors, who work with learners every day and have a first-hand view of the present arrangements and the scope to improve. We have spoken to some of them to shape our consultation proposals. Like everyone else, I am keen for the consultation paper to be issued so that we can engage fully in this important debate. It will be published soon. We hope that it will be out before the Easter recess—earlier if possible—but we also want to consider the matters raised today.

Mr. Martlew: My hon. Friend is being very helpful, and we look forward to the publication of the consultation before the Easter recess, as I believe he said. How long will the consultation take?

Jim Fitzpatrick: I have no reason to believe that it will be anything other than the normal 12-week consultation, as per Cabinet rules. Clearly, the volume of responses to the consultation will determine how quickly we can sift and analyse them but, given how much work has already been undertaken and how much is in the public domain, we want to move as expeditiously as possible. Clearly, I strongly take the point that my hon. Friend and others made that time is of the essence, because the longer we take to reform and improve the system, the more people will be exposed to the dangers on our roads that we want to reduce and to minimise.

I recognise that some hon. Members have made suggestions that were not in the outline proposals we published last February on, for example, restrictions for learners and new drivers. We must find ways to curb the reckless few who persist in bad and dangerous driving, and those who bypass the tests and drive unlicensed and uninsured, which was a point raised by my hon. Friend the Member for Crewe and Nantwich. We want an open debate, and we intend that all such issues should be addressed.

Young people value being able to drive, and so they should. Our ambition is to deliver for them a fit-for-purpose driver training and assessment system, so that they can enjoy what is an important freedom safely and responsibly.

I shall respond to some of the points made by colleagues. My hon. Friend and others correctly raised the question of policing on roads and the attention paid to it by chief constables in police forces up and down the country. She is aware that we are in continuous dialogue with the Home Office on how it prioritises traffic offences. Some 100,000 cars were seized and impounded because they were not insured. Such figures demonstrate that the police are clearly moving to address roads policing not as a stand-alone issue—it is a serious enough, given what we are talking about—but because many people who flout driving rules and regulations are engaged in criminal activity, and there is clearly a connection between those two things.

I spoke at the Association of Chief Police Officers and Police Federation road safety conferences this year, as did the Under-Secretary of State for the Home Department, my hon. Friend the Member for Gedling (Mr. Coaker). We both got a sense that such matters are higher on the police agenda than they perhaps have been for some little time. Certainly, the latest evidence shows that there was a 6 per cent. rise in the number of people who were breathalysed in the Christmas campaign. Encouragingly, there was a 20 per cent. reduction in those who failed the test.

Mrs. Dunwoody: Of course, the number of people who were breathalysed had previously dropped—the increase the Minister mentioned must be seen in that light. I am happy to have the Minister's assurance that those matters are still being debated, but I must ask this simple question: is there anything in the core responsibilities of chief constables that insists on traffic enforcement as a basic and important priority?

Jim Fitzpatrick: My hon. Friend will have to forgive me because I cannot remember the name of the document on which the police recently consulted, but, on the indicators, the police measure offences such as those she described, whereas they did not before. That is a key indicator that the matter is being taken more seriously. If they do not measure performance, how do we know how seriously they are taking the matter? I hope that that gives her some reassurance, but I shall be happy to write to her on the matter in due course.

My hon. Friend also asked about the Road Traffic (New Drivers) Act 1995. It will be reviewed as part of a wider look at remedial training for offenders. It is important to look at how to correct the bad driving that leads to a new driver committing offences and earning points. The main consultation document will concentrate on learners, but it will contain the promise of more proposals on remedial training, for example, and we should move on to that matter after the consultation.

The hon. Member for Castle Point (Bob Spink) raised the question of suspended disqualifications, and individuals who are given a one-year ban at, say, 16, which of course would not mean anything because they are not able to drive until they are 17. The bench has discretion to pass a sentence that will apply when a young person reaches the age at which they would be able to drive. One would hope that a bench passing a disqualification sentence would be aware that there is no point in passing a sentence that is not of such a length, because it would have no impact at all on the driver. The bench has the discretion, so it ought to deal with the matter.

My hon. Friend the Member for Carlisle (Mr. Martlew) raised the matter of rural roads. I intervened in his speech—he generously gave way. I can tell him that the beacon counties that were chosen were Lincolnshire, Northamptonshire, Devon and Norfolk, because they had a particularly good record. We therefore felt that those counties would use the money more wisely. However, the information and evidence that show how they have determined what works for them will be shared with all other interested local authorities, so that it will benefit the whole country.

Mr. Drew: Does my hon. Friend accept that the obverse must also be true? The constituency of the hon. Member for Forest of Dean (Mr. Harper) has a terrible reputation because of the number of accidents that involve younger people. It might be an idea to look at blackspots. The Forest of Dean is a terrible blackspot—hardly a week goes by without another fatality or serious injury in that part of the world.

Jim Fitzpatrick: My hon. Friend makes a strong point in respect of that area. Safety is very much a matter for local road safety partnerships and local authorities. We will give, if I recall correctly, an additional £110 million each year for the next three years to local authorities to deal with additional road safety issues. However, the additional £8 million over the next couple of years is specifically for authorities in areas where there are problems, and which have a track record of good practice in dealing with rural roads, to look at innovative ways in which to address the dangerous areas on their roads, and to share that information with the rest of us.

My hon. Friend the Member for Carlisle and the hon. Member for Scarborough and Whitby (Mr. Goodwill), who spoke for the Conservatives, raised the question of the statistics for the first three quarters of 2007, which were announced today. The figures indicate a 5 per cent. reduction in the number of people killed in the first three quarters, but it is obviously too early to say whether that constitutes a resumption of the downward trend—we need to be wary of interpreting the figures that way too early.

My hon. Friend the Member for Stroud (Mr. Drew) raised the question of the hazard perception test and why it was taking so long. The aim of the test was to make new drivers safer in the first three years. We had to monitor a sample for that period, and it was introduced only in 2003. I can assure him that the analysis is complete and will be published with the consultation document, so that people can see the outcome. The evidence seems to suggest, however, that no significant benefits were identified, because trainer drivers did not take what they learned through hazard perception testing into on-road activity. There was a disconnection, which will manifest itself in the analysis that people will have the opportunity to see in due course.

My hon. Friend also asked about putting high-speed roads into tests. That is done wherever practical, but in areas such as inner London, there are no high-speed roads. That is a matter to which he may wish to return during the consultation.

The hon. Member for Manchester, Withington (Mr. Leech) raised the question of the driver logbook. The project has been extended. However, it is one of the things that we will think about using in the new system. It is a means of structuring learning over the competence framework, so the idea has not disappeared.

The hon. Member for Scarborough and Whitby talked about older drivers. I can assure him that we are talking about safe driving for life—we need to develop support and training products for older people and experienced motorists. He made some good points in respect of one or two of his constituents who returned to driving after a considerable absence.

The hon. Gentleman mentioned some of the educational initiatives up and down the country. The Driving Standards Agency goes into schools with a package called "Arrive Alive", and it aims to have a gold-standard offering for schools. The agency sponsors an excellent teaching pack and DVD aimed at attitudes that hon. Members may wish to take note of. A number of initiatives have been designed by local authorities, road safety partnerships, police forces, and fire and rescue services up and down the country, but the DSA is working on those matters.

A lot of work is being undertaken on the cloning of number plates, not least in increasing the number of automatic number plate recognition cameras and in ensuring that number plates are trade-marked. Immediately someone commits an offence in a cloned vehicle, the matter will be raised by the innocent victim, who will obviously report the matter to the authorities. In such instances, the vehicle will become tagged as having been cloned.

The hon. Member for Scarborough and Whitby also cited the fact that many young male drivers think of themselves as being good behind the wheel. They are not alone. A survey in the RAC annual report for 2007 revealed that 98 per cent. of British motorists say that they are safe drivers. That may be immodest of the 98 per cent., but I am more worried about the other 2 per cent. that said that they were not safe drivers. All drivers have delusions as to how competent and safe they are. I am sure that we all make mistakes. Fortunately, most of us are lucky enough to get away with them. Trying to set out a benchmark that most people should strive to achieve is most important.

In conclusion, I say to my hon. Friend the Member for Crewe and Nantwich, the members of the Committee and the other hon. Members who participated in this debate that it was useful and as informative as ever. I hope that colleagues accept that we will be making progress soon, and I obviously look forward to their contribution to the consultation in due course.

4.21 pm

Mrs. Dunwoody: With the permission of the House, Mr. Taylor, I should like to speak again.

I hope that my hon. Friend the Minister will not think that I am being churlish if I say that when a handsome and talented young man has been saying to me for more than a year, "I will soon be doing something," I somehow wonder why he is taking a year.

I know of my hon. Friend's practical experience, and I know that I do not have to explain to him that, over this weekend, on Friday and Saturday night, many families will not be clear where their teenage children have gone. The first that they will know of the terrible tragedy that has struck them will be when someone from the emergency services, usually the police, comes to the door. I know that when he was in the fire service, my hon. Friend must have spent a lot of time cutting people out of cars, and that he might say, "It is one of those things that I no longer have to do, for which I am deeply grateful."

What we are talking about today is not an abstract. It is not an argument about how we frame a law that will affect our economy—although it will have direct economic effects—or a law that will change the way we organise accident and emergency services in the NHS. Nor is it about how we should change the education services. The report is simply saying to the Government, "You have a direct responsibility, but also a very direct ability to affect what we have been talking about."

Everybody's lives will be affected by the kind of road safety that we demand. The report was written because all members of the Committee, irrespective of their age, their background, their gender or their political

view, feel that we have got it wrong. As a nation, we are increasingly trying to deal with the question of road safety, yet we are still faced with terrifying figures and with what happens to young drivers and those who kill not only themselves but other young people.

The Committee is privileged to have Mr. Gifford as an adviser on road safety. He is the mover and shaker behind PACTS—the Parliamentary Advisory Council for Transport Safety. The reality, however, is that every day we see the effects of such accidents. Unless we can do more than simply talk about it, large numbers of young people will die—tonight, tomorrow night, Saturday night, Sunday night. Some of them will take a certain amount of time to die, some of them will die quickly. Some of them will die through no fault of their own, because they were with someone who was behaving recklessly. Some of them will be very bright, and some will not.

The reality is that, as a Government, we ought to be saying that whatever we do has to be done now, not in a month's time. The Select Committee should not be asked to come back after another year. It should not have to say to the Government, "You had this consultation. Then you had this amount of time to work out what the regulations were. You have been talking to the various Departments, the police and the various voluntary organisations, and only now are you thinking about what you are going to do." No.

Some of the things that are to be decided will be unpopular. My hon. Friend the Member for Swansea, East (Mrs. James) said that young people do not know how they are going to get to work and how they are going to get back again, but if they are rushing to their death, it is not much of an advance. We ought to be prepared to say things to them that are uncomfortable, and we ought to be prepared to look for practical and useful support for them.

The Minister understands the problem. We did not have to highlight it today. He understands it not only from his political experience but from his practical experience in the emergency services. He must have seen the impact better than many of us. Indeed, he must have seen some things that many of us would never want to see. But I still say to him—urgency, urgency, a timetable, a result, a response. That is what we are asking for.

My Committee will not go away. It does not matter who is Chairman. It is very nice to be paid all those lovely compliments—I love it, of course. The reality is that it does not matter who is in the Chair. The message will be the same: the House of Commons demands that the Government of the day should accept that this is a waste that we can no longer afford. It is absurd. If we went out and consciously sacrificed large numbers of our young people, it could not be more bizarre.

We are not here to talk about statistics. We are talking about broken limbs and broken lives—and above all about a Government who have not only a duty to do something to change things but a duty to do so now. I am grateful to the Minister. I shall be even more grateful when he comes to the House to give us an exact programme, an exact timetable and an exact indication of the real, practical measures that will be brought in before the year is out, to change the terrible picture that we see every night in our cities.

Question put and agreed to.

Adjourned accordingly at twenty-seven minutes past Four o'clock.